

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*August 2005*

**Members:**

*Sen. Barry J. Hobbins, Chair*

*Sen. Lynn Bromley*

*Sen. David R. Hastings III*

*Rep. Deborah L. Pelletier-Simpson,  
Chair*

*Rep. Sean Faircloth*

*Rep. Stan Gerzofsky*

*Rep. Marilyn E. Canavan*

*Rep. Mark E. Bryant*

*Rep. Michael Edward Dunn*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Joan Bryant-Deschenes*

*Rep. Joan M. Nass*

*Rep. Donna M. Loring*

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER ..... Bill Carried Over to Second Regular Session
CON RES XXX..... Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES..... House & Senate disagree; bill died
DIED IN CONCURRENCE..... One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT..... Action incomplete when session ended; bill died
EMERGENCY..... Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
INDEF PP..... Bill Indefinitely Postponed
ONTP..... Ought Not To Pass report accepted
OTP ND..... Committee report Ought To Pass In New Draft
OTP ND/NT..... Committee report Ought To Pass In New Draft/New Title
P&S XXX..... Chapter # of enacted Private & Special Law
PUBLIC XXX..... Chapter # of enacted Public Law
RESOLVE XXX..... Chapter # of finally passed Resolve
UNSIGNED..... Bill held by Governor
VETO SUSTAINED..... Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

## Joint Standing Committee on Judiciary

**LD 621**

**An Act Regarding Divorce and Marital Property**

**PUBLIC 298**

<u>Sponsor(s)</u> CUMMINGS HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-496
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LD 621 proposed to add to the marital property statutes for divorce an inchoate equitable interest for a nonowner spouse in certain property, such as an individual retirement account, once a divorce complaint has been filed.

**Committee Amendment "A" (H-496)** proposed to replace the bill, but carry out the original intent.

### *Enacted law summary*

Public Law 2005, chapter 298 provides that once a divorce starts, a pension in just one spouse's name is automatically titled in both parties' names without having to obtain an attachment, levy or court order to that effect, to the extent that the account or plan is either exempt or beyond the reach of an attaching or judgment lien creditor under state or federal law.

**LD 627**

**An Act To Require Notification prior to Suspension of a Driver's License for a Nonmotor Vehicle Violation**

**PUBLIC 325**

<u>Sponsor(s)</u> DUPLESSIE STRIMLING	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-497
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LD 627 proposed to prohibit a court or the Secretary of State from suspending the driver's license of a person for a reason not related to the operation of a motor vehicle, such as failure to pay child support or a civil fine, without providing 60 days' notice to the person.

**Committee Amendment "A" (H-497)** proposed to amend the motor vehicle laws to require the court to notify a person of suspension by the court of the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit when the suspension is for a motor vehicle-related violation. The amendment also proposed that the court must notify the Secretary of State of the suspension.

### *Enacted law summary*

Public Law 2005, chapter 325 prohibits a court or the Secretary of State from suspending the driver's license of a person for a reason not related to the operation of a motor vehicle without providing 60 days' notice to the person. It also requires the court to notify a person of suspension by the court of the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit when the suspension is for a motor vehicle-related violation. The court must also notify the Secretary of State of the suspension.