

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 693

**An Act To Increase Public Safety through the Enhancement of
Law Enforcement for the Houlton Band of Maliseet Indians**

PUBLIC 310

<u>Sponsor(s)</u> CLUKEY SHERMAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-229
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LD 693 is a concept draft pursuant to Joint Rule 208. It proposed to amend state laws to provide for cooperation among law enforcement resources of the State, Aroostook County, the Town of Houlton and the Houlton Band of Maliseet Indians.

Committee Amendment "A" (S-229) proposed to replace the bill and provide a framework for the Houlton Band of Maliseet Indians to provide law enforcement services within their Trust Land.

Enacted law summary

Public Law 2005, chapter 310 authorizes the Houlton Band of Maliseet Indians to appoint law enforcement officers who will have authority to enforce all the laws of the State within the Houlton Band Trust Land, as defined in the Maine Revised Statutes, Title 30, chapter 601 and in the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, Public Law 99-566 (1986). Law enforcement officers of the State, Aroostook County and the Town of Houlton have authority to enforce all laws of the State within the Houlton Band Trust Land. Chapter 310 provides that the Houlton Band of Maliseet Indians may enter into cooperation and mutual aid agreements with other state, county or local law enforcement agencies. It also provides that law enforcement officers of the Houlton Band of Maliseet Indians have the same powers, enjoy the same immunities and are subject to the same duties, limitations and training requirements as other law enforcement officers in this State that are in corresponding situations.

Chapter 310 requires the Houlton Band of Maliseet Indians to report by January 1, 2010 on the experience under this Act. The report must include observations and comments from State, Aroostook County and Houlton law enforcement agencies. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

Chapter 310 provides for the repeal of the entire provision on July 1, 2010.

LD 704

**An Act To Amend the Laws Governing De Minimis Infractions of
the Maine Criminal Code**

ONTP

<u>Sponsor(s)</u> SHERMAN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 704 proposed to change the process for determining whether conduct alleged to violate the Maine Criminal Code is a de minimis infraction. This bill proposed to allow a judge or jury to base a verdict upon whether the defendant's conduct is a de minimis infraction.