

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

July 2006

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

Rep. Deborah L. 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

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 arranged alphabetically by committee name 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. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located 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/billsumm.htm).

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:

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
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Judiciary

LD 1177

An Act To Limit the Early Release of Persons Convicted of Certain Crimes

PUBLIC 464

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-428
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LD 1177 proposed to require that before a person who has been found not criminally responsible for the crime of murder or a Class A crime by reason of mental disease or mental defect may be released from institutional commitment, the Department of Health and Human Services must identify the level of supervision needed to ensure that the person takes any medication as prescribed and complies with any other conditions of release. The bill also proposed to require that the court order for release direct the Department of Health and Human Services to provide the necessary level of supervision.

Committee Amendment “A” (S-428) proposed to replace the bill. The amendment proposed changes consistent with Public Law 2005, chapter 263, which amended the laws to describe the defense of not criminally responsible by reason of insanity. The amendment proposed that when the head of the institution in which the person is placed determines that the person may be released, the annual report must include a statement describing the supervision that would be necessary for the release, including the monitoring of the taking of psychoactive medication. If the court orders the person to be released, the amendment proposed that the court order must include the details of the supervision the department will provide, specifically including the measures the department will take to provide psychoactive medication monitoring.

Enacted law summary

Public Law 2005, chapter 464 addresses the proposed release of a person found not criminally responsible of murder or a Class A crime by reason of insanity. When the head of the institution in which the person is placed determines that the person may be released, the annual report must include a statement describing the supervision that would be necessary for the release. Chapter 464 requires the monitoring of psychoactive medication. The report provided to the Commissioner of Health and Human Services, which is then forwarded to the court, must contain details of the supervision the Department of Health and Human Services will provide, specifically including measures the department will take to provide psychoactive medication monitoring. If the court orders the person to be released, the order that provides for the release of the person must include the details of the supervision the department will provide, specifically including the measures the department will take to provide psychoactive medication monitoring.

LD 1203

An Act To Amend the Laws Concerning Eminent Domain

PUBLIC 642

<u>Sponsor(s)</u> SCHNEIDER CROSBY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-609
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LD 1203 proposed to require the Department of Transportation to pay 110% of the appraised value of property taken by eminent domain. It proposed to direct the Commissioner of Transportation and the Commissioner of Economic and Community Development to convene a working group to develop recommendations to assist businesses that are displaced due to eminent domain acquisitions.

Joint Standing Committee on Judiciary

Committee Amendment “A” (S-120) proposed to add an appropriations and allocations section to the bill. (Report of the Joint Standing Committee on Transportation in 2005; not adopted)

Committee Amendment “B” (S-609) proposed to replace the bill. It proposed to increase reimbursement of search expenses for businesses, increase expenses necessary to reestablish a farm, nonprofit organization or small business, and increase the maximum fixed payment for business and farm displacements when the property is taken by eminent domain by the Department of Transportation or a municipality. It also proposed to apply to municipalities the same relocation and reimbursement provisions concerning residential takings that currently apply to the Department of Transportation when residential property is taken.

The amendment proposed to require the Department of Transportation to examine the criteria currently used to determine in lieu payments rather than actual relocation costs, compile information and determine consequences should another formula be adopted. The amendment proposed to require the department to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2007. The committee may report out legislation to the 123rd Legislature.

The amendment proposed to add a mandate preamble and an appropriations and allocations section.

See also LD 1297, LD 1870 and LD 1904.

Enacted law summary

Public Law 2005, chapter 642 increases the amount of reimbursement from \$1,000 to \$2,500, consistent with federal changes, paid by the Department of Transportation to a business for actual reasonable expenses for searching for a replacement when the property is taken through eminent domain. It also increases the maximum reimbursement for expenses necessary to reestablish a farm, nonprofit organization or small business from a maximum of \$10,000 to a maximum of \$20,000, consistent with federal changes. The maximum fixed payment for business and farm displacements is increased from \$20,000 to \$100,000. Chapter 642 applies the same reimbursement and displacement payment responsibilities to municipalities when exercising eminent domain authority under the general authorization and for economic development purposes.

Chapter 642 applies to municipalities the same relocation and reimbursement provisions concerning residential takings that currently apply to the Department of Transportation when municipalities exercise eminent domain authority under the general authorization and for economic development purposes.

The Department of Transportation is required to examine the criteria currently used to determine in lieu payments rather than actual relocation costs. The department shall compile information from January 1, 2004 to the present, and determine consequences that would result from changing the criteria to a net operating income basis or other formulation. The department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2007. The committee may report out legislation to the 123rd Legislature.