

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 1210 proposed to make minor technical changes to the Maine Revised Statutes, Title 13-B to make signature requirements consistent with other entity laws and add definitions for electronic filing.

The bill proposed to amend the Maine Business Corporation Act: to clarify the law concerning amendments to a plan of merger; to provide greater consistency with the model act; to remove unnecessary language; to correct a cross-reference; and to clarify how the court may grant relief. It also proposed to add necessary definitions to modernize the laws relating to electronic filing for limited partnerships, limited liability companies and limited liability partnerships.

Committee Amendment "A" (S-247) proposed to correct cross-references within the Maine Limited Liability Company Act and the Maine Limited Liability Partnership Act. It also proposed to add language to both acts to conform them to the Maine Professional Service Corporation Act in the Maine Revised Statutes, Title 13.

Enacted law summary

Public Law 2005, chapter 302 makes minor technical changes to the Maine Revised Statutes, Title 13-B to make signature requirements consistent with other entity laws and adds definitions for electronic filing. It amends the Maine Business Corporation Act: to clarify the law concerning amendments to a plan of merger; to provide greater consistency with the model act; to remove unnecessary language; to correct a cross-reference; and to clarify how the court may grant relief. It also adds necessary definitions to modernize the laws relating to limited partnerships, limited liability companies and limited liability partnerships for electronic filing. Chapter 302 also corrects cross-references within the Maine Limited Liability Company Act and the Maine Limited Liability Partnership Act, and adds language to both acts to conform them to the Maine Professional Service Corporation Act in the Maine Revised Statutes, Title 13.

LD 1212

An Act To Amend the Laws Governing the Effect of Foreclosure of a Tax Lien on Time-share Estates

PUBLIC 275

Sponsor(s)
COLLINS
NASS R

Committee Report
OTP-AM

Amendments Adopted
H-467

LD 1212 proposed to provide that a governmental entity that acquires ownership of a time-share unit for reasons of tax delinquency may not be assessed for its share of common expenses chargeable to any unit during the period the governmental entity owns the time share.

Committee Amendment "A" (H-467) proposed to replace the bill and provide that a governmental entity that acquires ownership of a time-share estate for reasons of tax delinquency may not be charged for the share of common expenses chargeable to the time-share estate during the period the governmental entity owns the time-share estate unless the property is used by the entity. Although liens for prior unpaid common expenses will be extinguished as a result of the foreclosure by the governmental entity, the amendment proposed that all common expenses that accrue during the period of the governmental entity's ownership may be charged to a purchaser of a foreclosed time-share estate when the purchaser obtains title to the unit from the governmental entity.

Enacted law summary

Joint Standing Committee on Judiciary

Public Law 2005, chapter 275 provides that a governmental entity that acquires ownership of a time-share estate for reasons of tax delinquency may not be charged for the share of common expenses chargeable to the time-share estate during the period the governmental entity owns the time-share estate unless used by the entity. Although liens for prior unpaid common expenses will be extinguished as a result of the foreclosure by the governmental entity, all common expenses that accrue during the period of the governmental entity's ownership may be charged to a purchaser of a foreclosed time-share estate when the purchaser obtains title to the unit from the governmental entity. The governmental entity must disclose in writing to a prospective purchaser that the purchaser may be charged for the common expenses accrued while the governmental entity owned the time-share estate.

LD 1229 An Act To Strengthen the Enforcement of Divorce Decrees CARRIED OVER

<u>Sponsor(s)</u> MCKENNEY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1229 proposed to enhance the sanctions available for violations of parental rights and responsibilities orders, particularly concerning contact between the child and the parent who does not provide the primary residence of the child. It also proposed to direct the Governor to designate an appropriate state agency to develop a parenting time enforcement program.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 1232 An Act To Protect Children from Individuals Who Have Engaged PUBLIC 366
in Sexual Abuse of Children in the Past

<u>Sponsor(s)</u> FAIRCLOTH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-655
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LD 1232 proposed to provide that when a court finds that a person has been convicted of certain sexual offenses in which the victim was under 14 years of age, there is a rebuttable presumption that that person would create a situation of jeopardy for the child if any contact were to be permitted and that any contact is not in the best interest of the child.

Committee Amendment "A" (H-655) proposed to replace the bill. It proposed to revise the presumption of jeopardy to apply when the person seeking adoption, contact, primary residence, custody or visitation has any of a number of specific convictions for sexual abuse of a minor. The amendment proposed to limit the convictions to crimes committed when the person was at least five years older than the victim at the time of the abuse, except that a conviction for gross sexual assault of a child under 14 years of age or under 12 years of age results in the presumption if the child submitted because of compulsion, regardless of the age difference.

This amendment also proposed to add a parallel provision in the child protection laws relating to the hearing and disposition of jeopardy petitions.

Enacted law summary