

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

**Staff:**

*Margaret J. Reinsch, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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 1288**                      **An Act To Reduce Costs and Improve Efficiency of the Maine Criminal Justice System**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS CLUKEY		

LD 1288 proposed to require the State Court Administrator to provide for the transposition of all criminal records of Maine courts to electronic format by July 1, 2006. The bill proposed that after that date, a criminal record made by a court must be transposed to electronic format within one week of the making of the record.

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

**LD 1294**                      **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Define Marriage**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY SNOWE-MELLO	ONTP      MAJ OTP-AM    MIN	

LD 1294 proposed to provide that only a union between one man and one woman may be a marriage valid in or recognized by this State and its political subdivisions. This constitutional resolution also proposed to provide that this State and its political subdivisions may not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage.

**Committee Amendment "A" (H-648)**, the minority report of the Joint Standing Committee on Judiciary, proposed to delete the language of the constitutional resolution that provides that the State and its political subdivisions may not create or recognize a legal status for relationships of unmarried individuals that intends to approximate the design, qualities, significance or effect of marriage. (Not adopted)

**House Amendment "A" to Committee Amendment "A" (H-659)** proposed to amend the committee amendment to strike the definition of marriage proposed in the constitutional resolution and replace it with language providing that the Legislature has the exclusive authority to define marriage and eligibility for marriage under the laws of the State. (Not adopted)

**LD 1296**                      **An Act To Provide for Victims of Trafficking**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE		

LD 1296 is a concept draft pursuant to Joint Rule 208. It proposed to enact two types of legislative initiatives to combat the trafficking of human beings across borders and into the State for sexual and labor exploitation.

## *Joint Standing Committee on Judiciary*

1. This bill proposed amend the criminal laws to enact a comprehensive antitrafficking law that would criminalize certain activity and hold responsible landowners and employers who knew or should have known that trafficking was occurring on premises over which the landowner or employer exerted control.
2. This bill proposed to establish a task force of experts to determine the nature and extent of trafficking in the State and make recommendations for legislative, policy and programmatic initiatives.

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

**LD 1297                      An Act To Provide Just Compensation for Established Businesses      CARRIED OVER  
During Eminent Domain Proceedings**

<u>Sponsor(s)</u> BRYANT-DESCHENE	<u>Committee Report</u>	<u>Amendments Adopted</u>
--------------------------------------	-------------------------	---------------------------

LD 1297 proposed to provide that in certain eminent domain proceedings, established businesses are entitled to compensation for the loss of business profits and income resulting from the taking of the land that is the subject of the eminent domain proceedings.

See also LD 1203.

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

**LD 1320                      An Act To Amend the Child and Family Services and Protection                      PUBLIC 374  
Act**

<u>Sponsor(s)</u> VAUGHAN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-611 H-656 PELLETIER- SIMPSON
------------------------------	-----------------------------------	---

LD 1320 proposed to amend the Child and Family Services and Child Protection Act in the following ways:

1. It proposed to list the priorities of the Department of Health and Human Services in child protection matters as preservation of the family first, placement of the child with the closest appropriate next of kin second and placement in foster care only as a last resort;
2. It proposed to make child protection records open to the public except in cases when a court determines the records should be sealed due to sexually explicit content;
3. It proposed to make people liable for the crime of false public report for reports of suspected child abuse or neglect to the Department of Health and Human Services if the reports, including the identification of the people, are inaccurate and malicious; and