

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

9. It provides employment protection in an extreme public health emergency by protecting from unfavorable employment actions an employee who has been quarantined or isolated or who provides care to someone who has been isolated or quarantined during an extreme public health emergency. The proposal is modeled after legislation that was passed in Toronto as a result of SARS and draws from several Maine laws providing employment protection to those who are victims of abuse, on family medical leave or serving in the military. Chapter 383 provides that employers have a hardship exemption; the leave and related benefits apply only during an extreme public health emergency, or to diseases or conditions that are contracted or exposures that occur during the extreme public health emergency. The leave does not affect the employee's right to health insurance benefits on the same terms and conditions as applicable to similarly situated employees. For any leave beyond the defined period, the employer must make it possible for the employee to retain employee benefits at the employee's expense, although the employer and employee may negotiate for the employer to maintain the benefits at the employer's expense.

LD 1409

An Act To Assist in the Investigation and Prosecution of Theft Offenses

PUBLIC 320

<u>Sponsor(s)</u> ROSEN K SNOWE-MELLO	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-499
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LD 1409 proposed to permit local law enforcement agencies to consolidate theft investigations in multiple jurisdictions in order to simplify the investigative aspects of theft crimes, to conserve limited economic and time resources of the agencies and to strengthen the deterrent effect of successful investigations and prosecutions of theft crimes.

Committee Amendment "A" (H-499) proposed to expand the proposed authority of police officers to investigate and assist in the prosecution of related crimes to include, in addition to theft, forgery and negotiating a worthless instrument. The amendment proposed that the multijurisdictional cooperation must first be expressly authorized by the police officer's municipal officers.

Enacted law summary

Public Law 2005, chapter 320 permits local law enforcement agencies to consolidate theft, forgery and negotiating a worthless instrument investigations in multiple jurisdictions in order to simplify the investigative aspects of the crimes, to conserve limited economic and time resources of the agencies and to strengthen the deterrent effect of successful investigations and prosecutions of these crimes. The multijurisdictional cooperation must first be expressly authorized by each police officer's municipal officers.

LD 1415

An Act Regarding Confidentiality in Litigation

ONTP

<u>Sponsor(s)</u> GERZOFSKY BRYANT B	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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Joint Standing Committee on Judiciary

LD 1415 proposed to require that professional competence review records that contain information that directly identifies a patient are considered part of the patient's health care information, must be provided protection under the laws of this State as well as under the federal Health Insurance Portability and Accountability Act of 1996 and must be available to the patient. The bill proposed to prohibit the subject of a medical malpractice complaint and the subject's attorneys from contacting the physician of the medical malpractice claimant except as authorized by the claimant's attorney.

LD 1421 **An Act To Address the Constitutionality of Maine's Resident-only Lobster License** **PUBLIC 354**

<u>Sponsor(s)</u> DUPLESSIE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-544
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LD 1421 proposed to create four new types of lobster licenses: nonresident Class I, nonresident Class II, nonresident Class III and nonresident apprentice. In order to become eligible to obtain a nonresident Class I, II or III license, an individual would have to meet the requirements of the apprenticeship program under the Maine Revised Statutes, Title 12, section 6422 or section 6475.

Committee Amendment "A" (H-544) proposed to incorporate a fiscal note.

Enacted law summary

Public Law 2005, chapter 354 creates four new types of lobster licenses: nonresident Class I, nonresident Class II, nonresident Class III and nonresident apprentice. In order to become eligible to obtain a nonresident Class I, II or III license, an individual would have to meet the requirements of the apprenticeship program under the Maine Revised Statutes, Title 12, section 6422 or section 6475.