

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 1495

An Act To Limit Corporate Influence Over the Political Process

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUDLEY BROMLEY	ONTP	

LD 1495 proposed to change the definition of "person" for purposes of the Maine Business Corporation Act to specify that "person" means a natural person and not an entity such as a corporation, a state, the United States or a foreign government. The bill would therefore prohibit a corporation from engaging in political speech or activity using funds of the corporation, unless those funds are from a segregated account established specifically for the purpose of funding political speech or activity.

LD 1501

An Act To Prevent Domestic Abuse by Reinstating the Death Penalty for Persons Who Murder Family or Household Members

ONTP

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

LD 1501 proposed to reinstate the death penalty only for persons who murder family or household members.

Committee Amendment "A" (S-301), the minority report of the Joint Standing Committee on Judiciary, proposed to add an appropriations and allocations section. (Not adopted)

LD 1502

An Act To Implement Recommendations of the Family Law Advisory Commission

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-500

LD 1502 proposed to put into law recommendations of the Family Law Advisory Commission. It proposed to authorize a court to order payment of attorney's fees and costs while an action under the Maine Revised Statutes, Title 19-A is proceeding or when the action is completed. The bill proposed to delete attorney's fees provisions throughout Title 19-A that are duplicative. It proposed to add a family case management officer and a representative of the Judicial Branch's Court Alternative Dispute Resolution Service to the membership of the Family Law Advisory Commission. It proposed to allow for the closure of proceedings upon the request of one or more of the parties. It proposed to amend the definition of "decree of spousal support, support or costs" to include an order for the division and disposition of property connected to a divorce judgment, including, among other actions, proceedings to effectuate a qualified domestic relations order, to reach, attach or liquidate property or to quiet title. The bill also proposed to allow the court to order either parent to provide health insurance coverage for the child.

Committee Amendment "A" (H-500) proposed to delete from the bill the language authorizing closure from the public of any proceeding under the Maine Revised Statutes, Title 19-A at the request of one or more parties.

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2005, chapter 323 puts into law recommendations of the Family Law Advisory Commission. It authorizes a court to order payment of attorney's fees and costs while an action under the Maine Revised Statutes, Title 19-A is proceeding or when the action is completed. Current law authorizes attorney's fees in only limited types of family law actions. The court may order a party to pay the fees and expenses of 3rd-party participants, including guardians ad litem, expert witnesses and service providers. The costs of prosecuting a collection action may also be awarded. Chapter 323 deletes attorney's fees provisions throughout Title 19-A that are duplicative. It adds a family case management officer and a representative of the Judicial Branch's Court Alternative Dispute Resolution Service to the membership of the Family Law Advisory Commission. It amends the definition of "decree of spousal support, support or costs" to include an order for the division and disposition of property connected to a divorce judgment, including, among other actions, proceedings to effectuate a qualified domestic relations order, to reach, attach or liquidate property or to quiet title. Chapter 323 allows the court to order either parent to provide health insurance coverage for the child.

LD 1512 **Resolve, Directing the Bureau of Health To Study Additional Information about Abortions** **RESOLVE 114**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM MAJ ONTP MIN	H-664

LD 1512 proposed to direct the Department of Health and Human Services, Bureau of Health to study the effectiveness and quality of reproductive counseling for women considering an abortion.

Committee Amendment "A" (H-664) proposed to replace the resolve and direct the Department of Health and Human Services, Bureau of Health to study additional data that could be collected within existing resources that would help reduce the number of unintended pregnancies and abortions. The amendment proposed that the Bureau of Health report to the Joint Standing Committee on Judiciary by January 15, 2006.

Enacted law summary

Resolve 2005, chapter 114 directs the Department of Health and Human Services, Bureau of Health to study additional data that could be collected within existing resources that would help reduce the number of unintended pregnancies and abortions. The Bureau of Health shall report to the Joint Standing Committee on Judiciary by January 15, 2006. The Joint Standing Committee on Judiciary may report out legislation in response to the report.

LD 1518 **An Act To Increase Access to Justice in Maine's Court System** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-620