

# 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](http://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 1455

An Act To Codify Public Records Exceptions

ONTP

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

LD 1455 proposed to meet the requirements of Public Law 2003, chapter 709, section 9. The bill proposed to lists statutes that by designating records or information as confidential remove the records or information from the definition of “public record” in the freedom of access laws. The statutes would be listed according to the purpose for which the information is collected, used or maintained.

See LD 2111.

**LD 1518**

An Act To Increase Access to Justice in Maine's Court System

INDEF PP

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

LD 1518 proposed to establish, in Part A, the Consumer and Commercial Division pilot project within the Maine court system beginning January 1, 2006. The proposed purpose of this division is to administer and resolve disputes regarding issues related to business activity in a coordinated, responsive and speedy manner and to afford convenient and timely access for consumers, entrepreneurs, attorneys and any other party involved with business activity. Under the pilot project, the small claims division would be under the jurisdiction of the Consumer and Commercial Division in an attempt to streamline resolution of matters currently heard by it.

Part B of the bill proposed to establish the Consumer and Commercial Division Steering Committee. The steering committee would function as a partnership between the legislative and judicial branches of government. The steering committee, with membership reflecting a spectrum of interests, was proposed to work to develop proposals to implement this new project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts.

**Committee Amendment “A” (H-620)** proposed to replace the bill. Part A of the amendment proposed to establish the Business and Consumer Specialized Civil Docket pilot project within the Maine court system beginning January 1, 2006.

This pilot project was intended to assist all litigants, regardless of area of law, in finding prompt resolution of matters before the Court. The proposed purpose of this pilot project was to provide resources for improved administration and resolution of disputes concerning issues related to business activity in a coordinated, responsive and speedy manner and to afford convenient and timely access to justice for consumers, entrepreneurs, attorneys and any other parties involved with business activity while maintaining appropriate access to justice for litigants in cases of all types. The amendment also proposed resources to enhance the courts' response to intermediate business and consumer matters and small claims cases.

Part B of the amendment proposed to establish the Business and Consumer Specialized Civil Docket Advisory Committee. The advisory committee was designed to function as a partnership between the legislative and judicial branches of government. The advisory committee's proposed purpose is to make recommendations to the

## *Joint Standing Committee on Judiciary*

Supreme Judicial Court. The advisory committee, with membership reflecting a spectrum of interests, was proposed to work to develop proposals to implement the new pilot project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts. (Committee Amendment “A” was not adopted.)

LD 1518 as amended was carried over to the Second Regular Session on the Special Appropriations Table. The positions and funding supporting the Business and Consumer Specialized Civil Docket were included in the Supplemental Budget, LD 1968, Public Law 2005, chapter 519, Part JJJ.

**LD 1526**                      **An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues**                      **ONTP**

<u>Sponsor(s)</u>		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1526 proposed to do the following:

### PART A

Part A of this bill proposed to enact the Maine version of the Uniform Parentage Act. Separate Maine comments were included to explain deviations from the uniform act.

### PART B

Part B proposed to contain amendments to the Maine Revised Statutes, Title 4 and Title 19-A provisions concerning paternity and child support to make them consistent with the Uniform Parentage Act.

### PART C

Part C proposed to amend the intestate succession provisions of the Probate Code so that children would inherit from parents as recognized in the Uniform Parentage Act and parents recognized by the Uniform Parentage Act would inherit from their children.

### PART D

Part D of the bill proposed to amend the adoption laws, guardianship laws and child protection laws to be consistent with the Uniform Parentage Act.

### PART E

Part E proposed to make cross-reference changes.