

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 1622

**An Act To Correct Errors and Inconsistencies in the Laws of
Maine**

**PUBLIC 397
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-692 H-699 PELLETIER- SIMPSON S-378 HOBBS

LD 1622 proposed to make technical corrections to the Laws of Maine.

Committee Amendment "A" (H-692) proposed to make additional technical corrections and some changes that are or could be considered substantive.

House Amendment "A" to Committee Amendment "A" (H-699) proposed to correct an omission of the designation of aggravated cruelty to animals as a Class C crime.

Senate Amendment "A" to Committee Amendment "A" (S-378) proposed to correct conflicts and cross-references in the Maine Revised Statutes, Title 12, Part 13 that were created as a result of the recodification process.

Senate Amendment "B" to Committee Amendment "A" (S-391) proposed to authorize the Legislative Council to curtail the staffing provided by the Office of Policy and Legal Analysis to the Citizen Trade Policy Commission when the Legislature is in regular or special session. (Not adopted)

Enacted law summary

Public Law 2005, chapter 397 corrects technical errors and inconsistencies in the laws of Maine, and makes the following changes that are or may be considered substantive:

1. Clarifies that the biennial State Health Plan must be issued by December 1, 2005 and every two years thereafter;
2. Changes the Government Evaluation Act review scheduled for the Department of Human Services to apply to the Department of Health and Human Services;
3. Carries out the intent of the Legislature in closing the Bar Harbor District Court. This language reflects the savings contained in the Part 1 Budget, Public Law 2005, chapter 12 and has an effective date of June 30, 2005;
4. Amends the newly enacted law required to achieve compliance with the interstate lobster fishery management plan;
5. Updates language providing complimentary fishing licenses to residents of institutions under the control of the Department of Behavioral and Developmental Services because that department is now part of the Department of Health and Human Services;

Joint Standing Committee on Judiciary

6. Amends the nonprofit corporation laws concerning general powers to update the reference to the state department that administers the Maine Uniform Accounting and Auditing Practices Act for Community Agencies, which is now the Department of Health and Human Services;
7. Corrects an error in the section establishing the membership of the Maine Educational Loan Authority;
8. Corrects a conflict by repealing the provision requiring the Department of Health and Human Services to contract with a statewide nonprofit organization to provide nontraditional job training and placement services for women receiving assistance under TANF, which was added to a chapter in 1997 that was repealed that same year. The concept is added to existing law;
9. Revises language describing information that must be reported to a health care practitioner's professional board or authority following an adverse action against a practitioner. The reporting requirement was added by Public Law 2005, chapter 221;
10. Corrects the cross-reference to minimum law enforcement policy standards for the recording and preservation of interviews of suspects in serious crimes. It also inserts a cross-reference to policies concerning public notification regarding persons who must register under the Sex Offender Registration and Notification Act of 1999, and puts the references in order. It also changes the date by which the Maine Criminal Justice Academy must adopt the model policy on public notification to January 1, 2006. This is consistent with Public Law 2005, chapter 331, section 16;
11. Carries out the intent of the Legislature to maintain the law enforcement officer solicitation laws;
12. Updates the membership of the Children's Mental Health Oversight Committee;
13. Amends the real estate transfer tax exemptions concerning deeds of distribution to include a reference to the Maine Uniform Trust Code, enacted by the 121st Legislature;
14. Corrects a drafting error in Public Law 2005, chapter 226 concerning standards for timber harvesting in shoreland areas;
15. Amends an unallocated transition section of Public Law 1999, chapter 706 pertaining to appointments and terms of members of the Maine State Museum Commission;
16. Provides an effective date of December 31, 2005 for the repeal of the Revised Maine Securities Act. This date is the same as the effective date of the Maine Uniform Securities Act, as enacted by Public Law 2005, chapter 65; and
17. Corrects an omission of the designation of criminal class for aggravated cruelty to animals.

Public Law 2005, chapter 397 was enacted as an emergency measure effective June 17, 2005.