

# 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*

*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*

**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 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

to make corrections to the time period an entity has to replace its registered agent upon resignation from 30 to 60 days.

**Committee Amendment “A” (H-831)** proposed to incorporate a fiscal note.

### *Enacted law summary*

Public Law 2005, chapter 529 makes changes to business entity filing fees to be consistent with changes that were made as part of Public Law 2003, chapter 631 and Public Law 2005, chapter 12. Additionally, chapter 529 makes corrections to the time period an entity has to replace its registered agent upon resignation from 30 to 60 days.

**LD 1885**

**An Act To Protect Drivers' Privacy by Clarifying Ownership of  
Data Recorded by Motor Vehicle Data Recorders**

**PUBLIC 544**

Sponsor(s)  
SIMPSON

Committee Report  
OTP-AM

Amendments Adopted  
H-876

LD 1885, based on Arkansas law, proposed to govern the use of data from motor vehicle data recorders.

**Committee Amendment “A” (H-876)** proposed to replace the bill. It proposed to provide that data recorded by an event data recorder in a motor vehicle are the property of the owner of the motor vehicle and may not be downloaded or accessed by anyone other than the owner, with certain exceptions.

### *Enacted law summary*

Public Law 2005, chapter 544 provides that data recorded by an event data recorder in a motor vehicle are the property of the owner of the motor vehicle and may not be downloaded or accessed by anyone other than the owner, with certain exceptions. The exceptions are:

1. The owner of the motor vehicle or the owner's agent or legal representative consents to the retrieval of the information;
2. A court of competent jurisdiction in this State orders the production of the data;
3. For purposes of improving motor vehicle safety, security or traffic management, including medical research on the human body's reaction to motor vehicle crashes, as long as the identity of the owner or driver is not disclosed in connection with that retrieved data;
4. The data are retrieved by a licensed motor vehicle dealer or by an automotive technician for the purpose of diagnosing, servicing or repairing the motor vehicle;
5. The data are retrieved for the purpose of determining the need for or facilitating emergency medical response in the event of a motor vehicle crash;
6. The data are retrieved by a law enforcement officer acting pursuant to authority recognized under applicable statutory or constitutional law; and

## Joint Standing Committee on Judiciary

7. The data are requested as part of routine discovery.

If the event data recorder is capable of recording or transmitting the motor vehicle's location as part of a subscription service, that information must be disclosed in the subscription service agreement. The limitation on the downloading and accessing of data does not apply to subscription services meeting the service subscription agreement disclosure requirement.

The manufacturer of a new motor vehicle that contains an event data recorder and that is sold or leased in this State shall disclose the presence of the event data recorder in the owner's manual for that motor vehicle.

The duty of an insured to cooperate with the insurer in the investigation of any accident or claim under the policy is not affected by the new provisions.

**LD 1892**

**An Act To Prevent Price Gouging**

**PUBLIC 580**

Sponsor(s)  
MILLS J

Committee Report  
OTP-AM

Amendments Adopted  
H-875  
H-894 SIMPSON

LD 1892 proposed to amend the law that prohibits profiteering in necessities. It proposed to establish a ceiling of 15% plus costs on increases in prices for necessities of life affected by an abnormal market disruption due to natural disaster, stress of weather, failure or shortage of electric power or other source of energy, strike, civil disorder, war, terror or a national or local emergency or another precipitating event.

**Committee Amendment “A” (H-875)** proposed to replace the bill. It proposed to repeal and replace the current “profiteering in necessities” statute to protect consumers from unconscionably high prices for necessities during abnormal market disruptions. The amendment proposed to tie such profiteering to the Maine Unfair Trade Practices Act, authorizing injunctive relief and significant monetary penalties.

The amendment proposed to establish the authority of the Governor to declare the existence of an abnormal market disruption in one or more necessities or categories of necessities. During a declared abnormal market disruption, profiteering in necessities would be a civil violation and may be prosecuted as a violation of the Maine Unfair Trade Practices Act, except that private remedies are not available. Profiteering in necessities means selling or offering to sell necessities at an unconscionable price.

**House Amendment “A” to Committee Amendment “A” (H-894)** proposed to clarify the definition of “unconscionable price.”

### *Enacted law summary*

Public Law 2005, chapter 580 repeals and replaces the current “profiteering in necessities” statute to protect consumers from unconscionably high prices for necessities during abnormal market disruptions. It ties such profiteering to the Maine Unfair Trade Practices Act, authorizing injunctive relief and significant monetary penalties. It establishes the authority of the Governor to declare the existence of an abnormal market disruption in one or more necessities or categories of necessities. During a declared abnormal market disruption, profiteering in necessities is a civil violation and may be prosecuted as a violation of the Maine Unfair Trade Practices Act,