

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).

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.

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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,

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except that private remedies are not available. Profiteering in necessities means selling or offering to sell necessities at an unconscionable price.

LD 1904

An Act To Protect Businesses from Unnecessary Eminent Domain Takings

ONTP

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

LD 1904 proposed to apply to all takings under the eminent domain authority of the State, any political subdivision or any other entity that has eminent domain power. It proposed to require that the taking be an absolute necessity to carry out the public purpose that is the basis of the taking. It also proposed to require the taking of property on which a business is located to be limited to the minimum amount necessary to carry out the public purpose, thus allowing the business to continue. The bill proposed to apply to takings that had not been completed as of its effective date. The bill proposed to take effect when approved.

Committee Amendment “A” (H-1046), the minority report of the Joint Standing Committee on Judiciary, proposed to replace the bill and remove the emergency preamble and emergency clause.

The amendment proposed to provide that eminent domain authority may not be exercised to take property on which a business is located unless the taking is necessary to carry out the purposes for which the property is being taken and unless the amount taken is limited to the minimum amount necessary to carry out the public purpose and is limited so as to maximize the ability of the business to continue.

The amendment proposed to provide for an expedited de novo review of the necessity of the taking for the stated public purpose, of the determination that the amount of property taken is the minimum amount necessary and of the determination whether the property taken is incidental to the business. The Superior Court would balance the need to accomplish the stated public purpose with the preservation of jobs and businesses in this State.

The amendment proposed to provide that the changes apply to pending eminent domain takings, notwithstanding the Maine Revised Statutes, Title 1, section 302.

The amendment proposed to include an appropriation and allocation section.

(Not adopted)

See also LD 1203, LD 1297 and LD 1870.

LD 1907

An Act To Amend the Law Governing DNA Testing

PUBLIC 659

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS MARTIN	OTP-AM	H-994