

# 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

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