

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.

Joint Standing Committee on Judiciary

authorized to practice law in Maine when the provider is not or possesses special skill or expertise in immigration and nationality law matters when the provider is not a member of the Maine Bar or a federally authorized immigration representative. The amendment also proposed to retain the bill language related to notaries that creates new requirements that a notary public who is not a member of the Maine Bar must follow when advertising notary services in a language other than English, the effect of which is to provide notice to potential customers that the notary is not an attorney and may not give legal advice about immigration or any other legal matter. Finally, the amendment proposed to add an emergency preamble and an emergency clause in order to create an emergency measure that would take effect when approved.

Enacted law summary

Public Law 2005, chapter 629 creates the Immigration and Nationality Law Assistance Act that authorizes nonlegal immigration and nationality law assistance but limits it to certain services defined in the act that do not rise to the level of legal advice or representation. In addition, the act allows federally authorized immigration representatives who are not members of the Maine Bar to provide immigration and nationality law representation in immigration proceedings before federal agencies if authorized by federal law. The act prohibits certain activities in the course of providing immigration and nationality law assistance, including representations or advertisements that could cause a customer to believe that the provider of assistance either is authorized to practice law in Maine when the provider is not or possesses special skill or expertise in immigration and nationality law matters when the provider is not a member of the Maine Bar or a federally authorized immigration representative. The law also creates new requirements that a notary public who is not a member of the Maine Bar must follow when advertising notary services in a language other than English, the effect of which is to provide notice to potential customers that the notary is not an attorney and may not give legal advice about immigration or any other legal matter.

Public Law 2005, chapter 629 was enacted as an emergency measure effective May 4, 2006.

LD 2002

An Act To Give Superior Court Clerks and Deputy Clerks the Authority To Issue Process for the Arrest of Persons Charged with Crimes

**PUBLIC 540
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 2002 proposed to empower the Chief Justice of the Superior Court to grant to Superior Court clerks and deputy clerks the same statutory authority to issue process for the arrest of persons charged with crimes that has heretofore been given to District Court clerks, in view of the changes to the court's rules and procedures regarding the initiation in the Superior Court of trials of felony and related misdemeanor crimes.

Enacted law summary

Public Law 2005, chapter 540 empowers the Chief Justice of the Superior Court to grant to Superior Court clerks and deputy clerks the same statutory authority to issue process for the arrest of persons charged with crimes that has been given to District Court clerks, in view of the changes to the court's rules and procedures regarding the initiation in the Superior Court of trials of felony and related misdemeanor crimes.

Public Law 2005, chapter 504 was enacted as an emergency measure effective April 5, 2006.