

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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It proposed to require that the licensing credentials confirmation process start within 48 hours of the end of the declared emergency or disaster.

It proposed to provide that a person licensed as a health care worker in the State is eligible for civil immunity and workers' compensation insurance coverage during the period the person engages in either an in-state or out-of-state emergency management response under the direction of the Maine Emergency Management Agency.

Enacted law summary

Public Law 2005, chapter 630 grants private institutions that hire or engage the services of licensed health care workers immunity from civil liability in the event of an extreme public health emergency or a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including, but not limited to, negligent hiring, credentialing or privileging, for services provided within the scope of such licensure. The private institutions must follow certain procedures in obtaining information about the health care worker in order to receive the immunity. Chapter 630 provides that a person licensed as a health care worker in the State is eligible for civil immunity and workers' compensation insurance coverage during the period the person engages in either an in-state or out-of-state emergency management response under the direction of the Maine Emergency Management Agency.

LD 2055

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

**PUBLIC 683
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1085 H-1101 SIMPSON H-1102 SIMPSON H-1103 SIMPSON H-1110 SIMPSON H-1111 SIMPSON H-1112 SIMPSON H-1118 SIMPSON H-1119 SIMPSON

LD 2055 proposed to correct technical errors and inconsistencies in Maine laws.

Committee Amendment “A” (H-1085) proposed to strike several sections from the bill, and add additional changes. Part B proposed technical corrections; Parts C, D and E proposed changes that are or could be considered substantive changes.

House Amendment “A” to Committee Amendment “A” (H-1089) proposed that a person may provide athletic training to an athlete as long as the person does not use the title “athletic trainer” alone or in connection with other words or the initials “AT” alone or in connection with other initials. (Not adopted)

House Amendment “B” to Committee Amendment “A” (H-1101) proposed to authorize school administrative units to expend state funds provided for new minimum teacher salaries and for salary supplements for national

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board-certified teachers without calling for a special meeting of the local legislative body. These provisions would apply to fiscal year 2006-07 only.

House Amendment “C” to Committee Amendment “A” (H-1102) proposed to correct two references in the formula for calculation of county and municipal spending growth limitations by specifying that adjustments for changes in state funding are calculated by multiplying the prior year's funding by one plus the growth limitation factor.

House Amendment “D” to Committee Amendment “A” (H-1103) Public Law 2005, chapter 595 provided that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects be designated as major substantive rules effective January 1, 2007. This amendment proposed to delete the reference to secondary schools in the enacted law because the intent of the Legislature was to amend the Chapter 61 State Board of Education rules that pertain to the approval of major capital construction projects for elementary and secondary schools.

House Amendment “E” to Committee Amendment “A” (H-1110) proposed to provide for the protection of proprietary information by the Department of Marine Resources under the Maine Working Waterfront Access Pilot Program.

House Amendment “F” to Committee Amendment “A” (H-1111) proposed to change the date for the new voting procedure for smoking in private clubs from August 1, 2006 to September 1, 2006 and make the same change in the transition section. It also proposed to change the duration of the vote's authority to September 1, 2008.

House Amendment “G” to Committee Amendment “A” (H-1112) proposed to designate the name of T11 R14 WELS as Clayton Lake as of January 1, 2007.

House Amendment “H” to Committee Amendment “A” (H-1115) proposed to clarify that the prohibition on networking of voting machines does not apply to the connection of individual voting devices to a central server using a wired, point-to-point telephone connection that is not Internet-enabled, when the central server is operated or managed by the Secretary of State. (Not adopted)

House Amendment “I” to Committee Amendment “A” (H-1118) proposed to clarify that the prohibition on networking of voting machines does not apply to the connection of individual voting devices to a central server using a wired, point-to-point telephone connection that is not Internet-enabled when the central server is operated or managed by the Secretary of State. This is to allow compliance with the federal Help America Vote Act of 2002, which requires the provision of voting systems equipped for individuals with disabilities. The amendment proposed to repeal the new language 90 days after the adjournment of the First Regular Session of the 123rd Legislature.

House Amendment “J” to Committee Amendment “A” (H-1119) proposed to remove the language that exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program (Public Law 2005, chapter 636).

Enacted law summary

Public Law 2005, chapter 683, in Parts A and B, corrects technical errors and inconsistencies in the Laws of Maine. Parts C, D, E, F, G, H and I make changes that are or could be considered substantive.

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Part C makes the following changes:

1. Clarifies the capacity of the deputy treasurer of state to vote on boards when the Treasurer is absent;
2. Corrects inconsistencies that were created by Public Law 2005, chapter 343, which changed the composition of the Pharmaceutical Cost Management Council but did not change the number of members to coincide with the change in the composition of the council;
3. Amends the law creating a private right of action for damages for illegal wagering to cover all wagers for which a license is required. This covers all horse racing for which wagers may be accepted by a licensee in this State. The current law limits the illegal wagering to harness racing;
4. Corrects an error in the laws governing mandatory building standards for residential construction by changing references to the Department of Economic and Community Development to references to the Public Utilities Commission;
5. Corrects formatting errors to reflect the intent of the original law concerning Probate proceedings;
6. Corrects a cross-reference concerning the duties and powers of personal representatives;
7. Amends the Maine Uniform Trust Code to carry out the original intent concerning a trust settlor's options regarding the provision of information to beneficiaries;
8. Amends the fee schedule for copies of certain documents provided by municipal clerks;
9. Conforms language within the Emergency Medical Services laws to technical drafting standards and classifies a violation as a Class E crime;
10. Clarifies the appropriation in Public Law 2005, chapter 519, Part GGG, section 1, which appropriated funds to two newly built hospice facilities and identifies certain details of the plan grantees must submit to the Department of Health and Human Services. The Department of Health and Human Services is required to submit a report to certain joint standing committees of the Legislature identifying how the grant funds were utilized by the grantees;
11. Corrects an error in Public Law 2005, chapter 519, Part UUU, section 2, which deappropriated funds from the All Other line category in fiscal year 2005-06 concerning education in the Unorganized Territory. The funds should have been deappropriated from the Personal Services line category; and
12. Directs the Board of Environmental Protection to amend chapter 335: Significant Wildlife Habitat, a major substantive rule, by changing a date contained in one of the criteria for determining whether a shorebird feeding or staging site qualifies as significant shorebird habitat from 1989 to 1987.

Part D clarifies that the Consolidated Emergency Communications Fund created in Public Law 2005, chapter 519, Part OO applies to all municipal, county and state governmental units, not just Kennebec County and allows for the establishment of positions when any governmental unit voluntarily consolidates communications systems. Part D also corrects the name of the Consolidated Emergency Communications Bureau. This Part is retroactive to the effective date of the public law.

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Part E corrects a reference to the number of members of the Professional Standards Board and corrects a cross-reference by adding a subsection reference that was omitted.

Part F provides for the protection of proprietary information by the Department of Marine Resources under the Maine Working Waterfront Access Pilot Program.

Part G changes the date for the new voting procedure for smoking in private clubs from August 1, 2006 to September 1, 2006 and makes the same change in the transition section. It also changes the duration of the vote's authority to September 1, 2008.

Part H authorizes school administrative units to expend state funds provided for new minimum teacher salaries and for salary supplements for national board-certified teachers without calling for a special meeting of the local legislative body. These provisions apply to fiscal year 2006-07 only.

Part I corrects two references in the formula for calculation of county and municipal spending growth limitations by specifying that adjustments for changes in state funding are calculated by multiplying the prior year's funding by one plus the growth limitation factor.

Public Law 2005, chapter 595 provided that rules adopted by the State Board of Education pertaining to the approval of major capital secondary school construction projects be designated as major substantive rules effective January 1, 2007. Part J deletes the reference to secondary schools in the enacted law because the intent of the Legislature was to amend the Chapter 61 State Board of Education rules that pertain to the approval of major capital construction projects for elementary and secondary schools.

Part K designates the name of T11 R14 WELS as Clayton Lake as of January 1, 2007.

Part L clarifies that the prohibition on networking of voting machines does not apply to the connection of individual voting devices to a central server using a wired, point-to-point telephone connection that is not Internet-enabled when the central server is operated or managed by the Secretary of State. This is to allow compliance with the federal Help America Vote Act of 2002, which requires the provision of voting systems equipped for individuals with disabilities. This new language is repealed 90 days after the adjournment of the First Regular Session of the 123rd Legislature.

Part M removes the language that exempts from the General Fund appropriation limitation the state costs of the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program (Public Law 2005, chapter 636).

Public Law 2005, chapter 683 was enacted as an emergency measure effective June 2, 2006.

LD 2061

An Act To Issue Certificates of Title for Single-unit Mobile Homes

PUBLIC 678

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1038

LD 2061 proposed to establish a system for the titling of certain single unit manufactured housing. It proposed an effective date of January 1, 2007.