

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

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.

Joint Standing Committee on Judiciary

Committee Amendment “A” (H-1038) proposed to recognize manufactured housing as an important component of the housing industry in the State and as residential property whether it is considered personal property or real property. The amendment proposed to except from titling requirements manufactured housing that is permanently affixed to real property within 30 days of the date of sale. Such manufactured housing would be treated as real property. The amendment proposed to establish a procedure to cancel a certificate of title once the titled manufactured housing is permanently affixed to real property. The amendment proposed to change the effective date of the bill from January 1, 2007 to October 1, 2007.

Enacted law summary

Public Law 2005, chapter 678 recognizes manufactured housing as an important component of the housing industry in the State and as residential property whether it is considered personal property or real property. It establishes a titling program for certain manufactured housing. Excepted from the titling requirements is manufactured housing that is permanently fixed to real property within 30 days of the date of sale. Chapter 678 establishes a procedure to cancel a certificate of title once the titled manufactured housing is permanently affixed to real property.

Public Law 2005, chapter 678 is effective October 1, 2007.

LD 2087

An Act To Implement Recommendations Concerning Temporary Guardian and Conservator Laws

PUBLIC 625

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1023

LD 2087 proposed to enact the recommendations included in the report submitted by the Department of Health and Human Services prepared pursuant to Resolve 2005, chapter 91. The bill proposed to address notice and other issues involving the appointment of temporary guardians and conservators by the Probate Courts.

Committee Amendment “A” (H-1023) proposed to clarify that the Probate Court may appoint a temporary guardian or a temporary conservator by an order appropriate to the case, whether ex parte or otherwise.

Enacted law summary

Public Law 2005, chapter 625 was submitted by the Joint Standing Committee on Judiciary pursuant to Resolve 2005, chapter 91. It is based on recommendations included in the report submitted by the Department of Health and Human Services prepared pursuant to the same resolve. Chapter 625 requires that before a person files a petition for a temporary guardianship or conservatorship, notice of the petition must be given to the allegedly incapacitated person or the person alleged to be in need of protection as well as specific family members or others involved in the life of that person. The specifics of the notice are listed. Notice is not required in certain circumstances. Chapter 625 provides guidance to the Probate Courts in the determination of whether an emergency exists that necessitates the appointment of a temporary guardian or conservator. The court may make such an appointment in order to prevent serious, immediate and irreparable harm to the health or financial interests of the person.