

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

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component of this bill requires the court to consider the placement wishes of a child at least 12 years of age in making placement decisions.

Committee Amendment "A" (H-279) strikes sections of the bill shortening the review period for final protection orders and providing for a jury trial in hearings involving the termination of parental rights.

**LD 214      An Act to Ensure That Interest on Lawyers' Trust Accounts Is the Property of the Clients      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
CARR                                      ONTP

**SUMMARY**

The bill would have required that any net interest earned on lawyers' client funds, other than retainers and advances for copies and costs, must be paid to the client. The bill would have made funding of nonprofit corporations with Interest On Lawyers' Trust Accounts (IOLTA) money illegal. The language tracks the current wording of the Maine Bar Rules.

**LD 221      An Act to Clarify the Liability of Fire Chiefs      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
LORD                                      ONTP

**SUMMARY**

The bill would have ensured that a fire chief would not be held liable under the Maine Tort Claims Act for merely negligent acts or omissions of the firefighters in the department or association within the course and scope of employment.

**LD 227      An Act to Increase the Days on Which Protective Custody Hearings Are Held      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
CASHMAN                                      ONTP  
DORE

**SUMMARY**

The bill would have required that courts schedule all types of child protective hearings every day that the court is in session.

**LD 240      An Act to Change the Statutory Provisions Applying to the Dissemination of the Records and Reports Maintained by the State Police      PUBLIC 376**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
CLUKEY                                      OTP-AM                                      H-618

**SUMMARY**

Currently, there is a specific law governing the records and reports of the Bureau of State Police that makes all of the bureau's records and reports, except certain stated ones, confidential. There is also a