

# 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.

4693NRG

**LD 267 An Act Concerning Court Approval of Minor Settlements**

PUBLIC 97

**SPONSOR(S)**  
LIPMAN

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-155

**SUMMARY**

The bill specifically permits the court to allow disbursement of funds through a trust in settlements of actions brought on behalf of infants.

Committee Amendment "A" (H-155) clarifies that the court's authority to establish a trust does not permit the trust to extend beyond the minority of the beneficiary.

**LD 280 An Act to Amend the Child Protection Laws**

ONTP

**SPONSOR(S)**  
BALDACCI

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have raised the standard of proof in child protection proceedings from a "preponderance of the evidence" to "beyond a reasonable doubt." The bill would have required that when the Department of Human Services interviews a child in a police station or in the presence of a law enforcement officer, the parents have the right to have counsel present or to have the interview videotaped. The bill also would have required the department to establish procedures for parental visitation at departmental offices and would have provided for the appointment of the child welfare services ombudsman.

**LD 290 An Act to Amend the Laws Governing Child Protection Orders**

ONTP

**SPONSOR(S)**  
DORE

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have terminated the Department of Human Services' responsibilities for family reunification and rehabilitation under the Maine Revised Statutes, Title 22, section 4041, with respect to any parent when 2 placements with that parent have failed, regardless of whether the 3rd placement in departmental custody is voluntary or involuntary. A limited exception would have been provided when the placement is temporarily required for medical or respite care.

**LD 292 An Act to Provide a Deterrent to Child Sexual Abuse**

PUBLIC 451

**SPONSOR(S)**  
FAIRCLOTH  
LAWRENCE

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-443

**SUMMARY**

The bill increases the deterrents for child sexual abuse.

First, the bill increases from a Class D crime to a Class C crime the crime of sexual abuse of a minor in certain circumstances. Those circumstances are: