

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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

CARRIED OVER

ONTP

ENACTMENT FAILED

INDEF PP

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Bill carried over to Second Session

Ought Not to Pass report accepted

Bill failed to get majority vote

Bill Indefinitely Postponed

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference formed but unable to agree

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

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: