

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JULY 1993

**Staff:**  
*Margaret J. Reinsch, Legislative Analyst*  
*Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis*  
*Room 101, State House Station 13*  
*Augusta, ME 04333*  
*(207)287-1670*

**MEMBERS:**

*\*Sen. Gerard P. Conley, Jr.*  
*Sen. Georgette B. Berube*  
*Sen. Dana C. Hanley*

*\*Rep. Constance D. Cote*  
*Rep. Susan Farnsworth*  
*Rep. Mary R. Cathcart*  
*Rep. Andrew Ketterer*  
*Rep. Edward L. Caron, Jr.*  
*Rep. Sean F. Faircloth*  
*Rep. Jane W. Saxl*  
*Rep. David N. Ott*  
*Rep. Sumner H. Lipman*  
*Rep. Debra D. Plowman*

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
MARION HYLAN BARR  
JON CLARK  
LISA COPENHAVER  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JILL IPPOLITI



JOHN B. KNOX  
ROY W. LENARDSON  
PATRICK NORTON  
JANE ORBETON  
MARGARET J. REINSCH  
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CAHILL	OTP	MAJ
CONLEY	ONTP	MIN
FARNSWORTH		

**SUMMARY**

The bill reaffirms current state policy on a woman's right to terminate a pregnancy. The bill repeals the law concerning parental notification of a minor's decision to have an abortion that has been superseded by a more recent law. The bill also repeals the provision of law that requires a woman to wait 48 hours after seeing a physician before she may have an abortion. The repealed provisions were permanently enjoined in 1983 by Judge Gignoux for the United States District Court, who determined that these provisions represented unconstitutional restrictions of access to abortion under Roe v. Wade. The bill retains some of the provisions requiring the informed consent of the woman.

House Amendment "A" (H-101) would have required a physician to develop written informational materials to be provided to a pregnant woman prior to an abortion. The materials must comply with statutory requirements and must be approved by the Department of Human Services. Not adopted.

House Amendment "B" (H-102) would have prohibited multiple abortions for the purpose of birth control or limiting the size of a family. Not adopted.

House Amendment "C" (H-103) would have limited the term "health" to actual physical health risks and prohibits expansive interpretations that could effectively authorize abortion on demand. Not adopted.

House Amendment "D" (H-104) would have required an abortion to be performed in a manner that is best calculated to preserve the life of the fetus and would have required that a 2nd physician be present to provide all appropriate care to the fetus after birth. Not adopted.

House Amendment "E" (H-105) would have required that enhanced information about the gestational stage of a fetus and about the provisions of law governing child support and adoption be provided to a pregnant woman. Not adopted.

House Amendment "F" (H-107) would have added a referendum clause to the bill, requiring a statewide vote in November on the following question: "Do you favor enactment of a law declaring that it is the public policy of the State not to restrict abortion?" Not adopted.

House Amendment "G" (H-108) would have prohibited abortions for the purpose of gender selection. Not adopted.

House Amendment "H" (H-109) would have struck the section of the bill that repeals the Maine Revised Statutes, Title 22, section 1597, which requires parental notice prior to abortions on minors. Not adopted.

House Amendment "I" (H-112) would have replaced the last 3 sections of the bill and instead repeal only the language enjoined by the court in 1983. Not adopted.

House Amendment "J" (H-113) would have directed a health care provider to give a woman for whom that provider is performing a pregnancy test an information sheet on the options available to her if she is pregnant. The information sheet must contain the appropriate telephone numbers within the Department of Human Services for a woman to call if she wants information on adoption, abortion and family financial support services. The Department of Human Services would have been responsible for the preparation and distribution of this sheet. Not adopted.

House Amendment "K" (H-126) would have added a referendum clause to the bill, requiring a statewide vote in November on the following question: "Do you favor the enactment of "An Act to Protect Reproductive Privacy in Maine?" Not adopted.

House Amendment "L" (H-128) would have added a referendum clause to the bill, requiring a statewide vote in November on the following question: "Do you favor the enactment of a law declaring that the State may not restrict a woman's exercise of her private decision to terminate a pregnancy before viability or after viability when necessary to protect the mother's life or health?" Not adopted.

House Amendment "M" (H-129) would have established a procedure by which the Department of Human Services can develop a health care information sheet that fully informs a woman of her choices and the services that are available to her. Not adopted.

**LD 355      An Act to Require Restitution Rather Than Incarceration for      ONTP**  
**Certain Crimes**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARSHALL	ONTP	

**SUMMARY**

The bill would have required the imposition of restitution instead of incarceration for crimes of theft that do not involve bodily injury or the use of a weapon. Restitution would be equal to 4 times the value of income-producing property and 2 times the value of property that is not income-producing property. If there is a default in payment, the offender would be returned to court for further disposition.

**LD 380      An Act to Amend the Laws Governing Visitation Rights      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
NORTON	ONTP	

**SUMMARY**

The bill would have required the court to enforce visitation rights and other rights of contact through the imposition of fines, terms of imprisonment and any other appropriate sanctions available to the court. The bill would have subjected parents making false allegations before the court to appropriate court sanctions, including the award of attorney's fees. The bill would have declared that the remarriage of one parent or a change in the membership of a household with whom a parent lives is a substantial change in circumstances.

**LD 381      An Act to Enact a New Article on Negotiable Instruments in      PUBLIC 293**  
**and to Make Necessary Conforming Amendments to the Uniform**  
**Commercial Code**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CONLEY	OTP-AM	S-191

**SUMMARY**

The bill enacts changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 3, on negotiable instruments. Part A of the bill