

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&S XXX</i>	<i>Chapter # of enacted Private & 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 & 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 820 An Act to Ensure a Parent's Right to Know

ONTP

SPONSOR(S)

COFFMAN
PARADIS J

COMMITTEE REPORT

ONTP MAJ
OTP-AM MIN

AMENDMENTS ADOPTED

SUMMARY

The bill would have required parental notification before an abortion is performed or induced on a pregnant minor. It would have required that notification be provided to one parent or when the minor is in fear of physical, sexual or emotional abuse from a parent, to a specified relative, who may be a grandparent, stepparent or a sister or brother who is 21 years of age or older. It also would have allowed for alternative procedures whereby the minor may seek court approval for the proposed abortion and establishes the procedures for judicial review and appeals.

Committee Amendment "A" (H-98) would have sent the following question to referendum: "Do you favor a law requiring that at least one parent of a pregnant minor be notified before the minor has an abortion?" Not adopted.

House Amendment "A" to Committee Amendment "A" (H-116) would have sent the following question to referendum: "Do you favor the enactment of a law requiring at least one parent of a pregnant minor be notified before the minor has an abortion?" Not adopted.

House Amendment "A" (H-115) would have sent the following question to referendum: "Do you favor the enactment of a law requiring at least one parent of a pregnant minor be notified before the minor has an abortion?" Not adopted.

LD 821 An Act Regarding Supervision of Foster Children during Visitation

ONTP

SPONSOR(S)

RYDELL

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have established that it is the responsibility of the Department of Human Services and not that of foster parents to ensure appropriate supervision of visits between children in its custody and their biological parents or others having visitation rights.

LD 835 An Act to Enhance Collection of Child Support

ONTP

SPONSOR(S)

CAREY

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have enhanced child support collection efforts in the following ways.

1. It would have required the Department of Human Services to order wage withholding whenever a person owes \$500 or more in child support.
2. It would have required the Department of Human Services to publish annually in the State's daily newspapers a list of persons who owe child support debts and the amounts owed.

3. It would have allowed the Department of Human Services to refer child support debts of \$25 or more to debt collection agencies.
4. It would have established a low-interest loan fund for people who owe child support debts to pay their obligations.

LD 840 An Act to Protect Maine Businesses and Consumers from Unfair and Deceptive Trade Practices CARRIED OVER

SPONSOR(S) HARRIMAN GWADOSKY	COMMITTEE REPORT	AMENDMENTS ADOPTED
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SUMMARY

The bill repeals and replaces the Maine Unfair Trade Practices Act. The procedures in the bill encourage early settlement of disputes by allowing statutory damages, attorney's fees and costs, when a person is in violation of the Maine Unfair Trade Practices Act and fails to make a reasonable offer of settlement. The claimant also has a corresponding incentive to settle, as the claimant who does not accept a reasonable settlement offer is not entitled to statutory damages, costs or attorney's fees under the law. Cases that normally are litigated until a settlement is reached should, under this bill, be settled before the commencement of an action. Consumers are aided by the demand provisions that will permit many such claims to be resolved without the need for retaining an attorney. The bill is also intended to reduce litigation by providing a mechanism for penalizing persons with claims, defenses, setoffs or counterclaims that a court determines to be frivolous.

LD 844 An Act to Protect Civil Rights ONTP

SPONSOR(S) CATHCART	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

The bill would have prohibited law enforcement agencies from corresponding with owners of motor vehicles in order to attempt to interfere with the owner's rights to freely travel and to freely associate with other persons.

LD 845 An Act to Create a Cause of Action Against the State for Wrongful Imprisonment PUBLIC 480

SPONSOR(S) MARTIN J	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-280
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SUMMARY

The bill establishes the State's liability for wrongful imprisonment. The bill is modeled on Title 14, chapter 743, which was repealed on November 1, 1988, except that this bill establishes the limitation on damages at \$300,000.

Committee Amendment "A" (H-280) adds a fiscal note.