

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&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 945 An Act Regarding Appeal Periods in District Court Civil Cases

PUBLIC 338

EMERGENCY

SPONSOR(S)
HANLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-244

SUMMARY

Federal regulations promulgated on July 10, 1992 in 45 Code of Federal Regulations, Section 303.8 require a 30-day notice period and a 30-day appeal period in child support cases. In order for the State to receive federal reimbursement for child support cases, the federal regulations must be followed. To avoid confusion, this bill changes the appeal period in all District Court civil cases from 10 days to 30 days.

The Joint Standing Committee on Judiciary is charged with reviewing the Maine Revised Statutes to identify necessary statutory changes to reflect the legislative intent of creating a uniform appeal period of 30 days for all District Court civil cases.

Committee Amendment "A" (S-244) removes a requirement that the Joint Standing Committee on Judiciary review the laws relating to appeal periods and adds an allocation to the bill. The amendment also adds a fiscal note to the bill.

LD 946 An Act to Authorize Trustees to Make Trust Investments in Certain Affiliated Securities and Bonds

PUBLIC 213
EMERGENCY

SPONSOR(S)
LAWRENCE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-135

SUMMARY

The bill authorizes trustees to invest funds in certain affiliated bonds and securities, including mutual funds. The trustee or an affiliate may only receive a single fee if it acted in a dual capacity as trustee and advisor or underwriter. Cotrustees are authorized to consent to affiliated investments. The relationship between the affiliate and the trustee must be disclosed.

Committee Amendment "A" (S-135) adds an emergency preamble and an emergency clause so that banks may continue to serve existing trust customers without interruption.

LD 951 An Act Regarding Law Court Staffing

P & S 49

SPONSOR(S)
FARNSWORTH

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-240
S-370 PEARSON

SUMMARY

Public Law 1991, chapter 855, Part A, section 322 eliminates the Appellate Division of the Workers' Compensation Commission and provides for direct appeals to the Law Court on questions of law. The bill gives the Judicial Department the authority and funds needed to hire a staff attorney to handle the increased caseload associated with workers' compensation appeals that will now be filed with the Law Court.

Committee Amendment "A" (H-240) adds the correct appropriation and fiscal note.