

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**JULY 1997**

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*Sen. Lloyd P. LaFountain III*

*Sen. John W. Benoit*

*Rep. Richard H. Thompson, Chair*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular Session</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

**LD 591**                      **An Act to Require Courts to Take Court Costs into Consideration in Criminal Proceedings**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY	ONTP	

LD 591 proposed to require the court, when sentencing a defendant, to consider the court costs incurred and would have allowed the court discretion in whether to impose a sum adequate to cover all or part of the court costs.

**LD 634**                      **An Act Concerning the Disclosure of a Criminal Suspect's Identity**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER	ONTP	

LD 634 proposed to allow the disclosure of a criminal suspect's identity before the suspect's arrest or indictment only when the disclosure is necessary or useful to the law enforcement agency's investigation.

**LD 661**                      **An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP      MAJ OTP-AM    MIN	

LD 661 proposed to repeal existing standards for informed consent and would have replaced them with a provision modeled after the Pennsylvania statute held constitutional in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992).

**Committee Amendment "A" (H-165)** (Minority Report) proposed to add an appropriation section and a fiscal note to the bill.

**LD 662**                      **An Act to Require Parental Notification for Minors Seeking Abortions**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP      MAJ OTP-AM    MIN	

LD 662, modeled on Ohio law, proposed to require parental notification before an abortion is performed or induced on a pregnant minor. The bill proposed to require 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, a stepparent or a sister or brother who is 21 years of age or older. The bill also proposed 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-166)** (Minority Report) proposed that at least one of the following requirements be met before an abortion may be performed or induced on a pregnant minor:

1. The physician must, at least 24 hours before performing or inducing an abortion, notify the pregnant minor's parent by telephone or in person that the minor is pregnant and wants an abortion. An adult must accompany the minor to the physician's office at the time of the abortion;
2. The pregnant minor alleges abuse or neglect such that notifying the minor's parent is not in the minor's best interest. The minor must then be accompanied by an adult counselor to the physician's office; or
3. The minor has been authorized by the District Court or the Probate Court to consent to the abortion without parental notification. An adult must accompany the minor to the physician's office at the time of the abortion.

The amendment proposed to retain most of the judicial bypass option proposed in the original bill, except for the allegation of abuse.

**LD 663**                      **An Act to Permit the State Court Administrator to Accept Funds from the Federal Government and Private Sources**                      **PUBLIC 11**

<u>Sponsor(s)</u> LONGLEY THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 663 proposed to permit the State Court Administrator to accept donations or other funds from any agency of the United States or from a private source.

***Enacted law summary***

Public Law 1997, chapter 11 permits the State Court Administrator to accept donations or other funds from any agency of the United States or from a private source.

**LD 669**                      **An Act Relating to Value of Property Held by Portland Yacht Club**                      **P & S 26**

<u>Sponsor(s)</u> ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-149
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LD 669 proposed to remove the limitation of the value of both real and personal property that the Portland Yacht Club may hold, and to grant the yacht club all of the other powers that are held by nonprofit corporations formed under the Maine Revised Statutes, Title 13-B.

**Committee Amendment "A" (S-149)** proposed to delete Section 2 of Portland Yacht Club's charter, which contains a limitation on property the organization may hold.