

# 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*

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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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ABROMSON	OTP MAJ	
THOMPSON	ONTP MIN	

LD 1116 proposed to extend to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit would be prohibited.

**House Amendment "A" (H-397)** proposed to limit the prohibition on discrimination based on sexual orientation as it would apply to education institutions and charitable institutions supported by religious organizations, persons' rights to express opinions or refusal to support a lifestyle, extension of employee benefits to partners, foster and adoption placements, and organizations providing services to children. The amendment proposed that prohibitions on discrimination on the basis of sexual orientation may not be construed to mean the State condones homosexual or bisexual conduct, nor support or authorize numerical goals or quotas or other types of affirmative action programs with respect to homosexuality or bisexuality. (Not adopted.)

**House Amendment "B" (H-401)** The amendment proposed to exempt an employer with five or fewer employees from the provisions of the Maine Human Rights Act regarding employment discrimination. (Not adopted.)

**House Amendment "C" (H-402)** proposed to repeal references to protected classes in portions of the Maine Human Rights Act and replaces them with a general prohibition against discrimination in the areas specified in current law subject to certain exceptions. (Not adopted.)

**House Amendment "D" (H-421)** proposed to make the bill subject to approval at referendum to be held in November 1997. (Not adopted.)

*Enacted law summary*

Public Law 1997, chapter 205 extends to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit are prohibited.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOY	OTP-AM	H-466

LD 1154 proposed to abolish the requirement that employers withhold the wages of an employee who owes child support payments.

**Committee Amendment "A" (H-466)** proposed to replace the bill and limit the penalty an employer or other payor may be required to pay to \$500 or the amount that should have been withheld.

*Enacted law summary*

Public Law 1997, chapter 332 limits the penalty an employer or other payor may be required to pay for failure to comply with a child support withholding order to \$500 or the amount that should have been withheld.

**LD 1157                      An Act to Grant to Joint Standing Committees of the Legislature                      ONTP**  
**Access to Confidential Information**

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

LD 1157 proposed to allow joint standing committees of the Legislature to meet in executive session for the purpose of considering information and records designated by state law or rule as confidential, provided the subject matter is within the jurisdiction of the committee.

**LD 1163                      An Act to Amend Child Protective Laws                      PUBLIC 475**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARVIN MITCHELL B	OTP-AM	H-344 H-456 THOMPSON

LD 1163 proposed to shorten the time periods in child protective proceedings and elevate the best interests of the child to first priority in determining child protection and termination of parental rights.

**Committee Amendment "A" (H-344)** proposed to add to the list of circumstances in which review is not mandated and to shorten the 90-day waiting period for filing a termination period to 45 days.

**House Amendment "A" to Committee Amendment "A" (H-456)** proposed to make technical changes.

*Enacted law summary*

Public Law 1997, chapter 475 shortens the time periods in child protective proceedings and elevates the best interest of the child to the first priority in determining child protection and termination of parental rights.