

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).

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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 1670

An Act to Limit Indemnification in Construction Contracts

CARRIED OVER

Sponsor(s)
PLOWMAN

Committee Report

Amendments Adopted

LD 1670 proposes to prohibit broad form and intermediate hold harmless provisions in construction contracts. This bill has been carried over to the Second Regular Session.

LD 1675

An Act to Amend the Victims' Compensation Fund

PUBLIC 378

Sponsor(s)
THOMPSON

Committee Report
OTP-AM

Amendments Adopted
H-486

LD 1675 proposed revisions to the Victims' Compensation statutes including expansion of coverage of the Victims' Compensation Fund to provide benefits to certain family and household members of victims who suffer financial and emotional loss as a result of crimes committed against the victims and expansion to cover additional crimes. It also proposed confidentiality provisions and proposed an increase in the maximum claim.

Committee Amendment "A" (H-486) proposed to allow the Victims' Compensation Board to inspect Juvenile Court records if a juvenile is alleged to have committed an offense upon which an application to the board is based. It also proposed to fund an increase in a part-time position.

Enacted law summary

Public Law 1997, chapter 378 expands coverage of the Victims' Compensation Fund to provide benefits to certain family and household members of victims who suffer financial and emotional loss as a result of crimes committed against the victims. It covers the crime of terrorism to comply with requirements for federal funds. It adds confidentiality provisions. The maximum award on a claim is increased from \$5,000 to \$7,500. Chapter 378 allows direct application by any individual, other than a provider of services, for reimbursement of medical and funeral payments made or obligations assumed for a deceased crime victim, but it leaves to the discretion of the board whether to make payments directly to a claimant or to the provider of services for which reimbursement is sought. It clarifies that the fund may receive federal funds, private donations and payments from state funds other than from the General Fund. Chapter 378 allows the Victims' Compensation Board to inspect Juvenile Court records if a juvenile is alleged to have committed an offense upon which an application to the board is based. It increases funding for a part-time position currently funded by the Victims' Compensation Fund.

LD 1681

An Act Regarding the Receipt of Benefits by a Child Based on a Parent's Disability and the Calculation of Parental Support Obligations

ONTP

Sponsor(s)
RUHLIN

Committee Report
ONTP

Amendments Adopted

LD 1681 proposed that, for purposes of calculating child support, disability benefits received by a child based on the disability of a parent must be counted towards payment of that parent's parental support obligation. See also LD 1834.

LD 1689 **An Act to Provide Court-ordered Income Withholding of Spousal Support** **PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND BENOIT	OTP-AM MAJ ONTP MIN	H-681

LD 1689 proposed to require that orders of spousal support contain provisions for the withholding of income if arrearages occur.

Committee Amendment "A" (H-681) (Majority Report) proposed to clarify that the new provisions would apply when only spousal support, and no child support, is ordered by the court. It also proposed to authorize the payor to deduct a fee and to limit the Department of Human Services responsibilities with regard to spousal support.

Enacted law summary

Public Law 1997, chapter 433 provides for the implementation of an income withholding order to collect court-ordered spousal support by setting out the requirements for notice and the obligations of the payor, such as an employer.

LD 1712 **An Act to Create a Citizen Panel on Deregulation** **ONTP**

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

LD 1712 proposed to establish the Citizen Panel on Deregulation to advise the Legislature on obsolete or unnecessary statutory provisions and rules that should be repealed.

Committee Amendment "A" (H-591) (Minority Report) proposed to revise the membership of the panel to consist of 10 public members.

LD 1713 **An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act** **PUBLIC 400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ ONTP MIN	H-592