

# 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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**Maine State Legislature**

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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:

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

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 1791 proposed to make Maine law concerning possession of firearms while subject to a protection from abuse order consistent with the federal Violent Crime Control Act. Possession of a firearm while subject to an order prohibiting such possession would be a Class C crime.

**Committee Amendment "A" (H-529)** proposed to make possession of a firearm while subject to a protection order prohibiting such possession a Class D crime.

***Enacted law summary***

Public Law 1997, chapter 334 makes Maine law consistent with federal law concerning possession of a firearm while subject to a protection from abuse order that prohibits such possession.

**LD 1793                      An Act Regarding the Activities of Nonprofit Corporations                      CARRIED OVER**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1793 proposes to provide a procedure that all nonprofit corporations must follow when converting or restructuring into a for-profit or mutual benefit corporation or entity or when transferring assets to a for-profit or mutual benefit corporation or entity. The procedure would be in addition to any other review, analysis or approval required by law. This bill has been carried over to the Second Regular Session.

**LD 1806                      An Act to Amend Maine's Involuntary Commitment Laws                      PUBLIC 422**

<u>Sponsor(s)</u> BRENNAN HARRIMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-710
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LD 1806 is the unanimous result of the work done by the Task Force to Review Maine's Laws Concerning Involuntary Commitment, created by the 117th Legislature pursuant to Resolve 1995, chapter 13. The bill proposed to revise the involuntary commitment laws in order to improve the State's capacity to respond to people with mental illness in community settings. The bill proposed to add language on the responsibility to share information about possible dangerousness under certain circumstances; extend certain provisions of the involuntary commitment laws to community hospitals; adopt an amended version of the probable cause standard; clarify and amend several administrative procedures; and establish a joint responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections to provide treatment and supervision mandated by the court as a condition of probation or parole.

**Committee Amendment "A" (H-710)** proposed to clarify the role of the liaison and to correct references to state mental health institutes. It proposed to revise the definition of "least restrictive means of transportation," and to ensure that the guardian or next of kin of a person subject to involuntary commitment receives notice of the patient's rights.

***Enacted law summary***

Public Law 1997, chapter 422 is the unanimous result of the work done by the Task Force to Review Maine's Laws Concerning Involuntary Commitment, created by the 117th Legislature pursuant to Resolve 1995, chapter 13. Chapter 422 revises the involuntary commitment laws in order to improve the State's capacity to respond to people with mental illness in community settings. It adds language on the responsibility to share information about possible dangerousness under certain circumstances; extends certain provisions of the involuntary commitment laws to community hospitals; adopts an amended version of the probable cause standard; clarifies and amends several administrative procedures; ensures that the patient and the patient's guardian or next of kin receive notice about the patient's rights; and establishes a joint responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Corrections to provide treatment and supervision mandated by the court as a condition of probation or parole.

**LD 1807                      An Act to Provide for Commitment of Sexually Violent Predators                      CARRIED OVER**

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

LD 1807 proposes to provide a procedure for the commitment of a person defined as a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage in predatory acts of sexual violence if not confined in a secure facility. The bill is based on laws in Kansas and Washington. This bill has been carried over to the Second Regular Session.

**LD 1834                      An Act to Improve the State's Child Support Enforcement and Overpayment Recovery Laws                      PUBLIC 466**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS	OTP-AM	H-700 S-339 MURRAY

LD 1834 proposed to improve the State's child support enforcement and welfare overpayment recovery laws by:

1. Authorizing the court to revoke driver's, occupational, professional and recreation licenses for nonpayment of child support;
2. Authorizing the Commissioner of Human Services to designate employees of the Department of Human Services who are not attorneys to prepare and issue motions to modify child support orders and to handle paternity actions in court;
3. Reducing the length of time a child support obligor is in arrears before the Department may initiate license revocation proceedings from 90 days to 60 days;
4. Establishing procedures for making and enforcing agreements to pay past-due support in license revocation actions;