

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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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).

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

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> PLOWMAN | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------------|-------------------------|---------------------------|

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 PUBLIC 466
Overpayment Recovery Laws

| | | |
|---------------------------|-----------------------------------|--|
| <u>Sponsor(s)</u> NASS | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> 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;

5. Giving credit toward current support obligations to child support obligors for social security, veteran's and other dependent benefits paid as a result of the obligor's disability;
6. Authorizing the Department to redirect child support payments to the caretaker relative who is providing primary care for the child after notice and opportunity for hearing is issued to the obligor and to the payee;
7. Extending administrative remedies of the Department of Human Services to recover public assistance overpayments to cases in which overpayments result from unintentional or agency errors; and
8. Revising the statutory language "order of support" to "support order."

Committee Amendment "A" (H-700) proposed to clarify language in the bill and to allow the judicial branch to provide notice to litigants of available child support enforcement services and the right to refuse services before a child support order is issued. It proposed to require the court to notify the Secretary of State of driver's license suspensions for nonpayment of child support and reinstatements.

Senate Amendment "A" (S-339) proposed to make a technical correction.

Enacted law summary

Public Law 1997, chapter 466 revises the State's child support enforcement and welfare overpayment recovery laws. It authorizes the court to revoke driver's, occupational, professional and recreation licenses for nonpayment of child support. It authorizes 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 handle paternity actions in court. It reduces 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. It establishes procedures for making and enforcing agreements to pay past-due support in license revocation actions. It gives credit toward current support obligations to child support obligors for social security, veteran's and other dependent benefits paid as a result of the obligor's disability. It authorizes the Department to redirect child support payments to the caretaker relative who is providing primary care for the child after notice and opportunity for hearing is issued to the obligor and to the payee. It extends administrative remedies of the Department of Human Services to recover public assistance overpayments to cases in which overpayments result from unintentional or agency errors. It revises the statutory language "order of support" to "support order." It allows the judicial branch to provide notice to litigants of available child support enforcement services and the right to refuse services before a child support order is issued. It requires the court to notify the Secretary of State of driver's license suspensions for nonpayment of child support and reinstatements.

LD 1835

An Act to Implement Federal Welfare Reform Mandates for State Child Support Enforcement Laws

PUBLIC 537

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| NASS MILLS | OTP-AM | H-699 S-355 MICHAUD |

LD 1835 proposed to implement federal welfare reform mandates for state child support enforcement laws concerning location, paternity establishment, enforcement, medical support, modification of support orders and