

# 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

access to financial information. The bill also proposed to implement a federal mandate for collecting for over-issued food stamps by intercepting unemployment benefits.

**Committee Amendment "A" (H-699)** proposed to amend the current law concerning orders to seek work to be consistent with federal law, to delete the provisions of the original bill concerning repayment of over-issued food stamps and to make technical corrections.

**Senate Amendment "A" to Committee Amendment "A" (S-355)** proposed to require the Department of Human Services to reimburse the Bureau of Taxation for additional computer programming costs.

***Enacted law summary***

Public Law 1997, Chapter 537 implements federal; welfare reform mandates for state child support enforcement laws concerning location, paternity establishment, enforcement, medical support, modification of support orders and access to financial information.

**LD 1867**

**An Act to Protect Victims of Domestic Violence**

**PUBLIC 507**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M KILKELLY	OTP-AM	H-687 S-389 MICHAUD

LD 1867 proposed to:

1. Increase the penalty for domestic assault involving bodily injury to a spouse or partner who regularly resides in the household by providing that such an assault is a Class C crime rather than a Class D crime;
2. Enhance the penalty for violations against family or household members if a second violation occurs within two years of the original conviction;
3. Permit consideration of out-of-court statements of a victim;
4. Require the Maine Commission on Domestic Abuse to establish a domestic abuse homicide review panel to review deaths resulting from domestic abuse;
5. Require approval of a probate judge for marriage of a person under 18 years of age and a finding that the marriage is in the best interest of that person;
6. Establish a study commission to review the impact of the bail code on domestic violence; and
7. Require the courts to establish two pilot projects to provide direct judicial supervision of individuals convicted of domestic abuse crimes.

**Committee Amendment "A" (H-687)** proposed to delete from the original bill the provisions amending the Maine Criminal Code, the study of the Maine Bail Code and the pilot project relating to judicial supervision of persons convicted of domestic abuse. It proposed to revise the role of the Probate Court Judge in authorizing minors to marry. The amendment proposed to revise the duties and powers of the Domestic Abuse Homicide Review Panel, appointed by the Maine Commission on Domestic Abuse, to include data collection and compilation and access to necessary information. The amendment proposed to require the commission to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 1999 and every year after that.

**Senate Amendment "A" (S-389)** proposed to add a mandate preamble to the bill.

*Enacted law summary*

Public Law 1997, chapter 507 directs the Maine Commission on Domestic Abuse to create a Domestic Abuse Homicide Review Panel to review the deaths of persons who are killed by family or household members. The Commission must report to the Legislature on annual basis. Chapter 507 also expands the Commission to include up to eight members-at-large, appointed by the Governor. Chapter 507 requires a Probate Court Judge who is notified by a minor that the minor wants to get married to give or refuse consent within 30 days. The judge shall consider the ages of the parties and the criminal record of any party who is at least 18 and shall base the decision on the best interest of any party under 18.

<b>LD 1902</b>	<b>An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation</b>	<b>PUBLIC 562 EMERGENCY</b>
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<u>Sponsor(s)</u> MICHAUD	<u>Committee Report</u>	<u>Amendments Adopted</u> H-774 O'NEAL
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LD 1902 proposed to make additional corrections to Maine laws.

**House Amendment "A" (H-771)** proposed to eliminate the "super credit" that was created to expand the State's existing research and development tax credit for taxpayers who increase their research and development expenditures within the State by 50% or more over their current levels. It also proposed to repeal the sales tax exemption for the development of new bioproducts. (Not adopted.)

**House Amendment "B" (H-774)** proposed to give the Board of Trustees of the Maine School of Science and Mathematics the authority to borrow funds for current operating expenses for a term not exceeding 13 months.

**House Amendment "C" (H-775)** proposed to provide that benefits under the Maine Residents Property Tax Program must be paid to the municipality where the property is located if the property tax has not been paid. It also proposed that a claimant who submits a fraudulent claim must be barred from receiving benefits under the program for 10 years. (Not adopted.)