

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1998

**MEMBERS:**

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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**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

***Enacted law summary***

Public Law 1997, chapter 770 overturns Doe v. Department of Mental Health, Mental Retardation and Substance Abuse Services, 1997 ME 195, 699 A.2d 422 (1997). It provides that the final written decision governing a public employee's disciplinary action is no longer confidential once it is completed if the decision imposes or upholds discipline. If a disciplinary action is appealed to an arbitrator, the arbitrator's decision is the final written decision. If the arbitrator completely overturns or removes disciplinary action from an employee's personnel file, the employee's name is confidential and must be deleted from the final written decision before it is released.

**LD 1916**

**An Act to Provide for the Termination of Spousal Support upon the Death of the Payor**

**PUBLIC 629**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-862

LD 1916 is a recommendation of the Maine Family Law Advisory Commission. It proposed that spousal support terminate upon the death of the spouse ordered to pay that support, unless the order expressly states that the support obligation continues even after the payor spouse dies.

**Committee Amendment "A" (H-862)** proposed to make the changes in the bill effective for court orders issued on or after September 1, 1998.

***Enacted law summary***

Public Law 1997, chapter 629 provides that, unless a court order expressly provides otherwise, spousal support terminates upon the death of the payor spouse. This applies to court orders issued on or after September 1, 1998.

**LD 1919**

**An Act to Inform Crime Victims about the Disposition of Charges**

**PUBLIC 615**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
NASS		OTP-AM		H-840

LD 1919 proposed to require a prosecutor to make a good faith effort to notify the victim of a crime before dismissing charges or "filing" the indictment, information or complaint without prosecuting the charges.

**Committee Amendment "A" (H-840)** proposed to add a mandate preamble to eliminate the requirement that the State reimburse local governmental units for the costs of informing crime victims when the charges against the perpetrator will not be pursued.

***Enacted law summary***

Public Law 1997, chapter 615 requires the prosecutor to make a good faith effort to notify the victim of a crime before dismissing charges or "filing" the indictment, information or complaint without prosecution pursuant to Rule 48 of the Maine Rules of Criminal Procedure.