

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1999

MEMBERS:

Sen. Susan W. Longley, Chair

Sen. Sharon Anglin Treat

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Thomas Bull

Rep. Charles C. Laverdiere

Rep. Patricia T. Jacobs

Rep. Charles E. Mitchell

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Rep. David R. Madore

Rep. G. Paul Waterhouse

Rep. William J. Schneider

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Principal Analyst

Deborah C. Friedman, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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).

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
ENACTMENT FAILED..... Bill failed to get vote required for enactment or final passage
NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
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 September 18, 1999.

immediately for examination in accordance with the Uniform Health-care Decisions Act to determine whether the person is competent and whether the conditions of the advance health care directive are met.

LD 722

An Act to Increase Adoptions

PUBLIC 78

| | | | | |
|------------------------------|--|--------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> BRAGDON | | <u>Committee Report</u> OTP | | <u>Amendments Adopted</u> |
|------------------------------|--|--------------------------------|--|---------------------------|

LD 722 proposed to bring Maine law into compliance with the federal laws by removing references to cultural, ethnic and racial background from the adoption law.

This bill was submitted on behalf of the Department of Human Services.

Enacted law summary

Public Law 1999, chapter 78 brings Maine law into compliance with federal law concerning the placement of children for adoption by removing references to cultural, ethnic and racial background from the adoption law.

LD 724

An Act to Define Paralegals and Legal Assistants

PUBLIC 379

| | | | | |
|---------------------------------------|--|---|--|---------------------------|
| <u>Sponsor(s)</u> MADORE KONTOS | | <u>Committee Report</u> OTP MAJ ONTP MIN | | <u>Amendments Adopted</u> |
|---------------------------------------|--|---|--|---------------------------|

LD 724 proposed to require any person who uses the title "paralegal" or "legal assistant" to be qualified by education, training or work experience; and supervised by an attorney to the extent that the attorney is ultimately responsible for the work.

Enacted law summary

Public Law 1999, chapter 379 requires any person who uses the title "paralegal" or "legal assistant" to be qualified by education, training or work experience; and supervised by an attorney to the extent that the attorney is ultimately responsible for the work. A person who claims to be a paralegal or a legal assistant and does not meet the statutory definition commits a civil violation for which a forfeiture of up to \$1000 may be adjudged.

LD 748

An Act to Strengthen the Collection of Money Judgments

ONTP

| | | | | |
|-----------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> O'NEIL | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-----------------------------|--|---------------------------------|--|---------------------------|

LD 748 proposed to impose a monetary penalty on judgment debtors who fail to appear in court in response to subpoenas or at disclosure hearings. The bill also proposed to require the court to allow a judgment creditor five hours to appear in court after a civil order of arrest has been accomplished.