

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. Donna M. Loring

Staff:

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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.

<u>Sponsor(s)</u> MURRAY THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-226
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LD 1081 proposed to adopt the Uniform Foreign Money-judgments Recognition Act. This Uniform Act requires a state court to enforce a money judgment from another country with the full faith and credit that the state court would treat a money judgment from another state if the foreign judgment is final, conclusive and enforceable in the country where it was rendered. The bill proposed to set forth standards for determining when a judgment is conclusive and when the court may refuse to recognize the judgment.

Committee Amendment "A" (S-226) proposed to add language allowing a state court to refuse recognition of a foreign judgment if there is not reciprocity, i.e., if the foreign court would refuse recognition of a judgment from the state court. It also proposed to add language regarding uniform interpretation of the law and to make technical changes to correspond with the uniform law.

Enacted law summary

Public Law 1999, chapter 285 enacts the Uniform Foreign Money-judgments Recognition Act into Maine law. This Act requires Maine courts to enforce a money judgment from another country with the full faith and credit that the Maine court would treat a money judgment from another state if the foreign judgment is final, conclusive and enforceable in the country where it was rendered. A judgment is not conclusive if the court that rendered it did not have personal or subject matter jurisdiction or if the legal system in that country did not provide impartial tribunals and due process of law. It allows a Maine court to refuse recognition of a foreign judgment under certain circumstances, including the lack of reciprocity. Finally, it allows the court to stay enforcement of the judgment if the defendant satisfies the court that an appeal is pending or that the defendant is entitled and intends to appeal the underlying foreign-money judgment.

LD 1087

An Act to Require the Department of Human Services to Provide Disclosure in Child Protection Proceedings

ONTP

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1087 proposed to provide that a person accused of wrongdoing in a child protection proceeding is entitled to disclosure of records and reports relating to the proceeding and the investigation from the Department of Human Services and any investigating agency.

Committee Amendment "A" (H-480), the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

House Amendment "A" (H-621) proposed to limit the disclosure to accused parents, and only exculpatory evidence in the possession of the Department of Human Services. (Not adopted)