

# 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*

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*Rep. William J. Schneider*

*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](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:

*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.

**LD 1586**

**An Act to Require the Holder or Servicer of a Mortgage to Record the Discharge Within 60 Days**

**PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-382

LD 1586 proposed to require a mortgagee, or the mortgagee's successor in interest, to record the discharge of a mortgage within 30 days after receipt of full payment of the mortgage. The bill proposed that a mortgagee who fails to do so is subject to a penalty based on the original amount of the mortgage plus an attorney's fee.

**Committee Amendment "A" (H-382)** proposed to require the current holder or servicer of the mortgage to record the discharge of a mortgage within 60 days of the satisfaction of the mortgage and to impose penalties. The amendment proposed to add an application section and a fiscal note to the bill.

*Enacted law summary*

Public Law 1999, chapter 230 requires the current holder or servicer of a mortgage to record the discharge of the mortgage within 60 days of satisfaction of the mortgage. It also provides for a penalty equal to the greater of actual damages incurred by the mortgagor or exemplary damages of \$200 per week after the 60-day period has expired, to a maximum of \$5,000.

**LD 1591**

**An Act to Amend the Laws Concerning HIV Testing**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS MITCHELL B	ONTP MAJ OTP MIN	

LD 1591 proposed to remove the requirement that HIV testing sites be anonymous sites and to provide for confidential sites. The bill also proposed to remove the requirement that informed consent to an HIV test be in writing.

**LD 1592**

**An Act to Encourage Joint Custody Practices**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POWERS	ONTP MAJ OTP-AM MIN	

LD 1592 proposed to establish the policy that parents should be awarded shared parental rights and responsibilities unless the court finds that the joint responsibility would not be in the child's best interest. The bill proposed that the court must provide that the parents equally share the responsibility for providing their child's residential care, unless the court makes a finding that the equal sharing is not in the child's best interest. As proposed, the parents may agree to a sharing of parental rights and responsibilities, including the provision of residential care, which the court must accept or provide written reasons why the agreement is not in the child's best interest.

**Committee Amendment "A" (H-564)**, the minority report of the committee, proposed to delete language in the bill concerning the stipulation as to who may be designated as the public assistance recipient.