

# 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. G. Paul Waterhouse*

*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.

<u>Sponsor(s)</u> MCNEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-437
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LD 1860 proposed to authorize the Probate Court to appoint a temporary guardian for a minor when an emergency exists.

**Committee Amendment "A" (H-437)** proposed to replace the bill. It proposed to extend the Probate Court's current authority to appoint temporary guardians of minors by allowing a hearing after only 5 days' notice. It also proposed to remove any requirement of notice to the parents or others if the person's address and whereabouts are unknown and cannot be determined with due diligence. As proposed, the court may waive notice upon a showing of good cause if the minor for whom the temporary guardian will be appointed is 14 years of age or older. Current law limits a temporary guardianship to 6 months.

#### *Enacted law summary*

Public Law 1999, chapter 303 authorizes the Probate Court to appoint a temporary guardian for a minor after a hearing with only 5 days' notice. Notice to the parents is not required if their address and whereabouts are unknown and cannot be determined with due diligence. The court may waive notice upon good cause shown if the minor is at least 14 years old.

#### **LD 1865**

#### An Act to Conform the Highway Defect Statute to the Maine Tort Claims Act

ONTP

<u>Sponsor(s)</u> JABAR		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1865 proposed to reconcile the Maine Tort Claims Act and the Highway Defect Statute laws by removing an exemption under the Maine Tort Claims Act, thus making government entities liable for defects, lack of repair or lack of sufficient railing.

#### **LD 1914**

#### An Act Concerning Tribal Jurisdiction over Rights-of-way Over or Abutting Tribal Lands and the Collection of Fines from Violations Occurring on Tribal Lands and Rights-of-way

ONTP

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1914 proposed to clarify tribal jurisdiction over rights-of-way over or abutting tribal lands and the collection of fines from violations occurring on tribal lands and rights-of-way.