

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2005

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

*Rep. Deborah L. Pelletier-Simpson,
Chair*

Rep. Sean Faircloth

Rep. Stan Gerzofsky

Rep. Marilyn E. Canavan

Rep. Mark E. Bryant

Rep. Michael Edward Dunn

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Joan Bryant-Deschenes

Rep. Joan M. Nass

Rep. Donna M. Loring

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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
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
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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Judiciary

LD 859

An Act To Provide Greater Civil Relief Protection for Members of the Military

PUBLIC 353

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE HOBBINS	OTP-AM	H-538

LD 859 proposed to provide certain protections to members of the military in civil proceedings.

Committee Amendment "A" (H-538) proposed to clarify language and require that the best interest of the child govern any decisions concerning rights involving children.

Enacted law summary

Public Law 2005, chapter 353 provides that courts may not consider a military member's departure from the family residence or absence from the child or children as an adverse factor in determining parental rights and responsibilities if the military member's absence is due to military mobilization. Chapter 353 strengthens existing state civil relief protections for mobilized military members by allowing them to testify electronically, by requiring that their cases be held expeditiously and by allowing a service member to transfer the parent-child contact rights to one of the member's relatives if the military member is mobilized, unless the transfer is not in the best interest of the child. For actions and proceedings involving children, a stay may occur only if the stay is in the best interest of the child. It grants state recognition to wills, health care directives and powers of attorney federal laws pertaining to the military irrespective of specific state requirements.

Chapter 353 prohibits a court from changing the primary physical residence of a child when one of the child's parents is a member of the National Guard or the Reserves of the United States Armed Forces ordered to active duty and will be absent from the State in compliance with the order, unless the change is in the best interest of the child.

LD 867

An Act Regarding Child Protection Proceedings

PUBLIC 300

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PELLETIER- SIMPSON HOBBINS	OTP-AM	H-545

LD 867 proposed to make the following changes to the laws governing access to information in child protection proceedings.

1. It proposed to specify that, within the Department of Health and Human Services, information in records, as well as the record itself, is protected and confidential. It also proposed to clarify that a person who receives records from the department may not further disseminate the record.

Joint Standing Committee on Judiciary

2. It proposed to limit use of department records to the purpose for which the release was intended and prohibit further dissemination of those records.
3. It proposed to expand the list of persons to whom the department is authorized to disclose relevant information.

Committee Amendment "A" (H-545) proposed to make two clarifications to the bill. It proposed to provide that a person may not further disseminate a record or information that the person receives from the Department of Health and Human Services unless that dissemination is otherwise allowed by law.

Enacted law summary

Public Law 2005, chapter 300 makes the following changes to the laws governing access to information in child protection proceedings.

1. It specifies that, within the Department of Health and Human Services, information in records, as well as the record itself, is protected and confidential. It also clarifies that a person who receives records from the department may not further disseminate the record.
2. It limits use of department records to the purpose for which the release was intended and prohibits further dissemination of those records.
3. It expands the list of persons to whom the department is authorized to disclose relevant information.

LD 869

An Act To Extend Recognition to the Metis People

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOWEN SAVAGE	ONTP	

LD 869 proposed to provide state recognition for the Metis people, recognized in Canada as one of the aboriginal peoples.

LD 884

An Act To Protect Motherhood

PUBLIC 88

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS RICHARDSON J	OTP-AM	S-139

LD 884 proposed to add to the duties of the Maine Commission on Domestic and Sexual Abuse to require the commission's Domestic Abuse Homicide Review Panel to collect and review data relating to the death of a pregnant woman when death results from criminal conduct. The bill proposed to require the Chief Medical Examiner to send copies of reports of such cases to the panel.