

# 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*

**Staff:**

*Margaret J. Reinsch, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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

**Committee Amendment "A" (H-501)** proposed to replace the bill to create a resolve directing the Department of Health and Human Services to encourage health care providers to include information in their continuing education programs that will assist in clarifying the rights of agents to receive confidential medical information.

### *Enacted law summary*

Resolve 2005, chapter 94 directs the Department of Health and Human Services to encourage health care providers to include information in their continuing education programs that will assist in clarifying the rights of agents to receive confidential medical information.

**LD 1569**                      **An Act To Abolish the Maine Indian Tribal-State Commission**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOORE F		

LD 1569 proposed to abolish the Maine Indian Tribal-State Commission and create in its place the Intergovernmental Tribal-State Board. The board would consist of two members appointed by the Passamaquoddy Tribe, two members appointed by the Penobscot Nation, two members appointed by the Houlton Band of Maliseet Indians, four members appointed by the Governor and subject to review by the Joint Standing Committee on Judiciary and confirmation by the Legislature, two members appointed by the Attorney General subject to review by the Joint Standing Committee on Judiciary and confirmation by the Legislature, one member of the Senate appointed by the President of the Senate and one member of the House of Representatives appointed by the Speaker of the House.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1575**                      **An Act To Require Parental Notification of Teenage Abortions**                      **ONTP**

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

LD 1575 proposed to require parental notification before an abortion is performed or induced on a pregnant minor. The bill proposed to include an exception for a medical emergency in which the pregnant minor's life is in danger, and a judicial bypass procedure.

**Committee Amendment "A" (H-649)**, the minority report of the Joint Standing Committee on Judiciary, proposed to revise the exceptions to the parental notification requirements to provide an exception when, in the physician's best judgment, the abortion is necessary for the preservation of the life or health of the pregnant minor. (Not adopted)