

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
JUDICIARY  
BILL SUMMARY



JUNE 1987

PREPARED BY:

Martha Freeman and Gilbert Brewer

OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333  
(207) 289-1670

HELEN T. GINDER, DIRECTOR  
HAVEN WHITESIDE, DEP. DIRECTOR  
GILBERT W. BREWER  
DAVID C. ELLIOTT  
GRO FLATEBO  
MARTHA E. FREEMAN, SR. ATTY.  
JERI B. GAUTSCHI  
CHRISTOS GIANOPOULOS  
WILLIAM T. GLIDDEN, JR.



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

ROOM 101/107  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

JULIE S. JONES  
JOHN B. KNOX  
EDWARD POTTER  
MARGARET J. REINSCH  
LARS H. RYDELL  
JOHN R. SELSER  
CAROLYN J. CHICK, PARALEGAL  
ROBERT W. DUNN, RES. ASST.  
HARTLEY PALLESCHI, JR., RES. ASST.  
KATHRYN VAN NOTE, RES. ASST.

ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD 440 AN ACT RELATING TO BAIL COMMISSIONERS

PL 1987  
c. 162

Sponsor: MARSANO, Vose, Warren, Black  
Committee Report: OTP-A  
Amendments Adopted:  
H-109 COMMITTEE

SUMMARY: LD 440 proposed to provide definite terms of up to 5 years for bail commissioners.

The Committee Amendment (H-109) added a provision recognizing the authority of the appointing judge to require the bail commissioner to undergo any necessary training. The amendment also added a provision immunizing bail commissioners from tort liability for their official actions.

LD 445 AN ACT PERMITTING PRIVATE MEDIATION FOR DIVORCING COUPLES

LVWD

Sponsor: ANTHONY, Gauvreau, Marsano  
Committee Report: LVWD

SUMMARY: LD 445 was reported out of the Judiciary Committee in a new draft as LD 1508, which sought to permit separating or divorcing couples to use a private mediator, rather than a mediator of the Court Mediation Service, in complying with the statutory requirement to have attempted mediation prior to a contested separation or divorce hearing. The use by a couple of a private mediator would have been deemed to meet the mediation requirement if a judge found that the couple participated in good faith in mediation and the private mediator had appropriate training and experience.

Upon reaching the floor, the new draft was recommitted to the committee which then granted the sponsor a leave to withdraw report. See also New Draft, LD 1508.

LD 446 AN ACT TO AMEND THE DIVORCE LAWS REGARDING CUSTODY TO THE DEPARTMENT OF HUMAN SERVICES

PL 1987  
c. 57

Sponsor: ANTHONY, Gauvreau, Marsano  
Committee Report: OTP

SUMMARY: Provides that when the Department of Human Services receives custody of a child through a divorce proceeding the department must abide by the provisions of the Child and Family Services and Child Protection Act for mandatory judicial review, family rehabilitation efforts, and termination of parental rights when reunification is not possible.