

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



JUNE 1987

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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 AN ACT TO PROVIDE NOTICE OF UNDERGROUND
698 FACILITIES UPON TRANSFERS OF REAL PROPERTY

LVWD

Sponsor: KANY, Murphy, E., Simpson, Usher
Committee Report: LVWD

SUMMARY: LD 698 proposed to require an owner of real estate to insert a notice into the deed for that property of any underground facilities installed on the property. "Underground facilities" was defined to include any man-made thing installed under the surface of the property and any excavation into the ground greater than 10 cubic yards in volume.

LD AN ACT TO REMOVE SUPERIOR COURT JURISDICTION
719 IN DIVORCE ACTIONS

LVWD

Sponsor: WARREN, Black, Brannigan, Paradis, P.
Committee Report: LVWD

SUMMARY: This bill sought to provide the District Court with sole jurisdiction in actions for divorce, judicial separation, annulment of marriage or for support. Currently, the Superior Court has concurrent jurisdiction over these proceedings.

LD AN ACT RELATING TO THE UNIFORM PREMARITAL
722 AGREEMENT ACT

PL 1987
c. 302

Sponsor: HANLEY, Anthony
Committee Report: OTP-A (Majority)
ONTP (Minority)

Amendments Adopted:
H-200 COMMITTEE

SUMMARY: The bill, as amended by H-200 places in statute provisions governing the creation and enforcement of premarital agreements. The bill only applies to agreements made between prospective spouses in contemplation of marriage. It does not apply to agreements between persons who live together but who are not contemplating marriage, nor to postnuptial or separation agreements. Among other matters, the bill permits a written, signed premarital agreement to cover the rights and obligations of each party in property; the rights to buy, sell, and use property; the disposition of property upon separation, marital dissolution, or death; spousal support; the making of a will; rights in life insurance benefits; the choice of law governing the agreement; and matters involving personal

rights and obligations. If the agreement was not executed voluntarily or was unconscionable when made it is not enforceable. Finally, as amended, the bill voids a premarital agreement 18 months after the arrival of a child, unless the parties agree within that period, in writing, to keep the agreement in effect or to alter it.

LD AN ACT TO PROVIDE FOR PAYMENT OF FEES OF LVWD
732 INDEPENDENT ADOPTION STUDIES

Sponsor: CLARK, M., Pouliot, Taylor, Brannigan
Committee Report: LVWD

SUMMARY: Current law requires the Department of Human Services to conduct an investigation of a child, his antecedents and adoptive parents when the Probate Court makes a request in reference to a non-relative's petition for adoption. This bill would have required the adoptive parents to pay for the Department of Human Service's investigative services.

LD AN ACT TO ELIMINATE THE STATUTE OF LIMITATION LVWD
733 IN CHILD MOLESTATION OR INCEST CASES

Sponsor: BOUTILIER, Gauvreau, Gill
Committee Report: LVWD

SUMMARY: LD 733 proposed to amend the criminal code so that the statute of limitations for crimes involving sexual abuse of children would not begin to run until the victim of the crime reached the age of 18.

LD AN ACT RELATING TO DEBTOR RELIEF FOR VIOLATION LVWD
744 OF EXEMPTIONS

Sponsor: GAUVREAU, Conley
Committee Report: LVWD

SUMMARY: LD 744 proposed to create a new cause of action against any creditor who improperly attached or executed upon property of a debtor which was legally exempt from attachment or execution. A court could award injunctive relief, actual and punitive damages, attorney's fees and court costs to a debtor who prevailed in such an action.