

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
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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

Sponsor: MARSANO, Stevens, P., Black
Committee Report: LVWD

SUMMARY: This bill sought to revise the Uniform Gifts to Minors Act creating a Uniform Transfers to Minors Act. It would have allowed any kind of property, real or personal, tangible or intangible, to be made the subject of a transfer to a custodian for the benefit of a minor. In addition, it would have permitted such transfers not only by lifetime outright gifts, but also from trusts, estates and guardianships, whether or not specifically authorized in the governing instrument and from other third parties indebted to a minor who does not have a conservator. The bill also sought to revert to 21 years as the age at which the custodianship terminates and the property is distributed.

Sponsor: GAUVREAU, Manning, Paradis, P., Black
Committee Report: . OTP-A
Amendments Adopted:
S-66 COMMITTEE

SUMMARY: This bill amends the current law pertaining to the enforcement of money judgments through a court procedure known as disclosure. In this procedure, the judgment debtor appears in court and discloses his assets and income to the judge so that the judge can determine how best to structure his payment of the judgment owed to the judgment creditor. This bill primarily revises the procedures for getting the judgment debtor to court for disclosure and for enforcement of the court's orders.

Under the bill:

a judgment creditor may subpoena the judgment debtor to appear at a disclosure hearing;

the venue for the disclosure hearing is where the judgment debtor or judgment creditor resides; however, if the judgment debtor fails to appear at the initial disclosure hearing and further attempts to secure his appearance are to be made, the venue must be where the judgment debtor resides;

if the judgment debtor fails to appear, the judgment creditor may ask the court for a civil order of arrest

(requiring the sheriff to bring the debtor to court) or for a contempt subpoena to be served on the debtor informing him of the next hearing and that failure to appear will subject him to civil arrest;

at the disclosure hearing, if the court finds that the debtor has no assets or earnings out of which the judgment could be satisfied, the proceedings terminate; and

in satisfaction of the judgment, the court may order a debtor, having the ability to pay, to pay the judgment through installment payments, orders to 3rd parties to hold property in which the debtor has an interest, orders to employers or other payors of earnings of the debtor to withhold those earnings, orders that property of the debtor be turned over and sold, and orders to place possessory liens on property of the debtor.

LD AN ACT RELATIVE TO NOTIFICATION OF ADOPTION LVWD
876 FINALIZATIONS

Sponsor: McPHERSON, Rolde
Committee Report: LVWD

SUMMARY: This bill sought to require the register of probate to provide written notification to biological parents of record as to the date of the finalization of the adoption of their child. This notification would have been required within 30 days of issuance of the adoption decree, and would also have been provided to the Probate Court having jurisdiction.

LD AN ACT TO ESTABLISH AN ADOPTION ALTERNATIVE ACT LVWD
884

Sponsor: WARREN, Paradis, P., Cote
Committee Report: LVWD

SUMMARY: This bill sought to provide adoption alternative information to women contemplating an abortion. The Department of Human Services would have established and maintained a program and list for the adoption of children.

The bill would also have required a physician, prior to performing an abortion, to inform the patient of the existence of the program established by DHS. The physician would also have been required to provide the patient with a copy of the "Adoption Alternative Act" and the patient would have signed an information form that proved she had received the information. The form would have been dated, signed by the physician, and witnessed by a third party other than the patient, and then forwarded to DHS.