

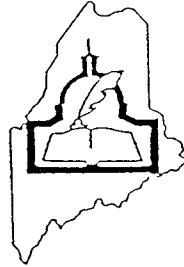
MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JUNE 1990

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**One Hundred and Fourteenth Legislature
Second Regular Session**

**Joint Standing Committee
Bill Summaries**

June 1990

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 for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

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

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD 2286

An Act Concerning the Uniform Rights of the Terminally Ill Act

LV/WD

SPONSOR(S)
MARSANO

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill repealed the current living wills statute and enacted the 1989 version of the Uniform Rights of the Terminally Ill Act as part of the Probate Code. (See LD 2074)

LD 2287

An Act to Amend the Domestic Abuse Laws

LV/WD

SPONSOR(S)
HOLLOWAY
RICHARDS
CATHCART
FARNSWORTH

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill repealed the current section describing the purpose of the chapter addressing domestic violence in Title 19 and replaced it with clearer language; amended the definition of abuse to make it clear that sexual assault is abuse, as is attempting to place or placing another in fear of bodily injury regardless of whether the infliction of bodily injury would be imminent or not; added 4 new types of conduct to the definition of abuse; amended the definition of family or household members to include individuals presently or formerly living together as sexual partners; repealed and replaced Title 19, section 764, subsection 2, that outlines the assistance that a plaintiff or alleged victim is entitled to receive from the court when that person files a complaint; required the forms used to file a complaint to obtain a protective order to be uniform throughout the State and that the summons contain a section to list places where the defendant or alleged abuser may be found; amended Title 19, section 765 to require a full hearing to be held as soon as practicable if the request will be denied; required a judge who is considering denial of temporary, emergency or interim relief to afford the plaintiff an opportunity to be heard in person and to be accompanied by a person of the plaintiff's choice at the time; addressed the service of a temporary order; amended the current laws to require that a temporary order remain in effect until a final order, if issued, can be served; required the court to make a finding of abuse under a consent agreement unless the parties voluntarily request that no finding of abuse be made; amended Title 19, section 766 so that only the defendant and not the plaintiff can be ordered by the court to receive counseling upon issuance of a protective order; added 3 new subsections to Title 19, section 766, precluding the issuance of an order for protection or restraint against the plaintiff unless the defendant files a complaint and the court finds the plaintiff committed the alleged abuse, stating that the plaintiff's actions cannot modify or extinguish an order and that no criminal sanction can be placed upon the plaintiff for violation of any provision of an order, and outlining the manner in which the court shall determine child support if necessary; prohibited mandatory mediation; amended the definition of the crime of violation of a protection order to make it clear that the defendant does not have to have been served in hand, if the defendant has actual notice of the order; added 2 new subsections to Title 19, section 770, requiring law enforcement agencies to adopt a written policy on the handling of domestic abuse cases by December 1, 1990, and requiring the Attorney General to develop a model policy for prosecution and for the various district attorneys to adopt a written policy by June 1, 1991; created the Maine Commission on Domestic Abuse; and excluded assault or violation occurring under Title 19, chapter 14 from the dismissal provision of accord and satisfaction.

Incorporated along with LD 2177 into Joint Order Bill LD 2458.