

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

LD 292

An Act to Increase Public Awareness of the Availability of Living Wills

PUBLIC 199

SPONSOR(S)
FARNSWORTH
STEVENS P
PFEIFFER
HASTINGS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-226

SUMMARY

The bill requires that a living will form be distributed to any person who is issued a license or permit to operate a motor vehicle or a motorcycle or a resident hunting license or permit.

Committee Amendment "A" (H-226) replaces the bill and directs the Secretary of State, subject to funding, to make living will forms available to the public at offices of the Division of Motor Vehicles.

LD 298

An Act Regarding District Court Location

CARRIED OVER

SPONSOR(S)
OTT

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill would transfer Kennebunk and Kennebunkport to the District Court of Southern York County.

LD 299

An Act Regarding the Filing of a Uniform Traffic Ticket and Complaint by Law Enforcement Officers

PUBLIC 56

SPONSOR(S)
FARNSWORTH

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-56

SUMMARY

The bill requires a law enforcement officer to file a Uniform Traffic Ticket and Complaint within 72 hours to assist in the collection of fines.

Committee Amendment "A" gives officers up to 5 days to file. It also adds a fiscal note.

LD 301

An Act to Promote the Emotional Health of Children During Periods of Stress

DIED BETWEEN BODIES

SPONSOR(S)
ANTHONY
DORE
STEVENS P
RICHARDS

COMMITTEE REPORT
OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED
H-407 MAJ REP

SUMMARY

The bill would have given the Supreme Judicial Court the authority to require parties with minor children to attend an educational program prior to the contested hearing concerning parental rights and responsibilities and support and maintenance.

Committee Amendment "A" (H-407) (Majority report) replaced the bill. It would have added an emergency, provided more specifics about the program, and repealed the program in 1993.

House Amendment "A" to Committee Amendment "A" (H-478) would have clarified that the rules adopted by the court must give due consideration of special hardships, including those concerning family violence.

House Amendment "B" to Committee Amendment "A" (H-616) would have authorized the court to recommend parties to a divorce attend the education program, but would not have permitted the court to require attendance. It would have also prohibited a party's attendance or nonattendance to be admissible in a proceeding.

Senate Amendment "A" to Committee Amendment "A" (S-315) would have clarified that the rules adopted by the court must give due consideration of special hardships, including those concerning family violence. It would also provide that application for a waiver does not prejudice a party in the determination of the underlying legal issues.

Senate Amendment "B" to Committee Amendment "A" (S-324) would have removed the emergency preamble and clause.

Senate Amendment "C" to Committee Amendment "A" (S-332) would have authorized the court to recommend parties to a divorce attend the education program, but would not have permitted the court to require attendance. It would have also prohibited a party's attendance or nonattendance to be admissible in a proceeding.

Senate Amendment "D" to Committee Amendment "A" (S-349) would have clarified that the rules adopted by the court must give due consideration of special hardships, including those concerning family violence. It would also provide that application for a waiver does not prejudice a party in the determination of the underlying legal issues. It would have established a list of circumstances under which a person could not be required to attend the program. The amendment would have required that a means other than personal attendance be available for parties seeking a waiver.

**LD 317 An Act Concerning the Role of Guardians Ad Litem and Other
Children's Advocates**

PUBLIC 161

SPONSOR(S)
RICHARDS
MORRISON
DUPLESSIS
GAUVREAU

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-169

SUMMARY

The bill requires the Department of Human Services to notify the guardian ad litem in a child protective proceeding of substantial change of circumstances that may have an impact on the best interest of the child.

Committee Amendment "A" (H-169) relocates the language of the bill to a more appropriate section of the law.