

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
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

Staff:

*Margaret J. Reinsch, Legislative Analyst
Deborah C. Friedman, Legislative Analyst
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. N. Paul Gauvreau
Sen. Georgette B. Berube
Sen. Muriel D. Holloway*

**Rep. Patrick E. Paradis
Rep. Constance D. Cote
Rep. Patricia M. Stevens
Rep. Cushman D. Anthony
Rep. Susan Farnsworth
Rep. Mary R. Cathcart
Rep. Andrew Ketterer
Rep. Dana C. Hanley
Rep. John H. Richards
Rep. David N. Ott*

**Denotes Chair*

IARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
DON CLARK
YAN M. DYTTER
BRO FLATEBO
EBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
KANE ORBETON



KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 far right of the title. Various types of final action are abbreviated as follows:

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

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, especially Laurette Knox who coordinated preparation of the overall document.

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

An Act to Provide Funding for Sexual Abuse Victims and Offenders

ONTP

SPONSOR(S)FARNSWORTH
CATHCART
MCCORMICK
PARADIS P**COMMITTEE REPORT**

ONTP

AMENDMENTS ADOPTED**SUMMARY**

The bill helped to provide services for both the victims of sexual abuse and the perpetrators of the abuse. It allowed courts to set fines for sexual assaults based on the convicted person's hourly or daily wage, ensuring a penalty commensurate with the person's ability to pay. The fines for all sexual assaults would be segregated into a special fund, the Sexual Abuse Victims and Offenders Fund.

The bill established an interdepartmental committee to develop services for both victims and offenders and to administer the Sexual Abuse Victims and Offenders Fund. The interdepartmental committee would determine the appropriate allocation of the funds to provide services for both victims and offenders. The interdepartmental committee consisted of the Commissioner of Human Services, the Commissioner of Corrections, the Commissioner of Mental Health and Mental Retardation and the Commissioner of Education.

LD 1016 An Act Relating to the Division of a Member's Rights and Benefits under the Maine State Retirement System Pursuant to a Qualified Domestic Relations OrderPUBLIC 746
EMERGENCY**SPONSOR(S)**FARNSWORTH
CATHCART
HOLLOWAY
KETTERER**COMMITTEE REPORT**

OTP-AM

AMENDMENTS ADOPTEDH-1091 JALBERT
H-924**SUMMARY**

Because the Maine Revised Statutes, Title 5, section 17054 states that a member of the Maine State Retirement System may not have benefits subject to execution, garnishment or attachment and that a member's benefits are unassignable, except for child support, the administrators of the Maine State Retirement System believe it violative of the law if they accept a court order related to property distribution under Title 19, section 722-A or spousal support under Title 19, section 721.

The bill allowed an administrator of the Maine State Retirement System to accept and enforce a court-ordered retirement benefits division when the division ordered is incident to a divorce or judicial separation or it is necessary to satisfy a spousal support obligation.

Committee Amendment "A" (H-924): The amendment replaces the bill. It also adds an emergency preamble, an emergency clause and a fiscal note.

The amendment authorizes the Maine State Retirement System to pay some or all of the benefits otherwise payable to a member or retiree to another person if the benefits are awarded to that other person in a qualified domestic relations order. The amendment defines the elements of a qualified domestic relations order. A process is created for determination, appeal of determinations, segregation of amounts to be paid and payment of benefits to the proper parties. The retirement system is not liable to any person because of its compliance with the process and the payment of benefits as dictated by the process.

The amendment also allows the retirement system, at its discretion, to substitute a life annuity or lump-sum payment equal to the amount specified in the qualified domestic relations order.