

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 1268

An Act to Clarify Requirements for Disclosure of Confidential Client Information Held by Mental Health Service Providers

PUBLIC 250

SPONSOR(S)
GAUVREAU
PARADIS P
RICHARDS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-135

SUMMARY

The bill restores confidentiality protections that previously existed and resolves a conflict between federal law and Department of Mental Health and Mental Retardation rules by prohibiting the department from requiring providers to disclose confidential client information without client consent or a court order.

Committee Amendment "A" (S-135) deletes the language proposed by the bill and deletes the requirement that the Department of Mental Health and Mental Retardation share information with the Department of Human Services in adult protective cases.

LD 1295

An Act to Clarify the Time for Taking an Appeal from the Juvenile Court to the Superior Court

PUBLIC 202

SPONSOR(S)
ANTHONY
CONLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-227

SUMMARY

The bill clarifies that the Legislature authorizes the Supreme Judicial Court to extend by rule the present statutory 5-day time period in which an appeal by the State from juvenile court to Superior Court must be taken.

Committee Amendment "A" (H-227) adds a fiscal note.

LD 1307

An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent

PUBLIC 414

SPONSOR(S)
ANTHONY
GAUVREAU
HOLLOWAY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-289
H-502 PARADIS P

SUMMARY

The Grandparents Visitation Act as established in the bill applies only to circumstances where one of the parents of a minor child has died. The bill allows the court to maintain the relationship between a grandchild and that grandchild's grandparents when it is in the grandchild's best interest and does not interfere with a parent-child relationship.

Committee Amendment "A" (H-289) redefines "grandparent" to exclude the grandparents of a child whose parent's parental rights have been terminated. It also requires that any petition for grandparents' rights be brought in the same court as any pending child protective proceeding. It also repeals the entire chapter on July 31, 1994.