

MAINE STATE LEGISLATURE

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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*

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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.

of interest on restitution money accounts, so that the interest accrues to the State, not to the person entitled to the restitution money. The amendment also requires agencies collecting restitution money to disburse the money to the victim or other authorized claimant as quickly as possible after the agency receives the money.

The amendment also adds a fiscal note to the bill.

LD 2183 **An Act to Clarify Adult Protective and Guardianship Responsibilities**

PUBLIC 711

SPONSOR(S)

HOLLOWAY
GAUVREAU
PENDEXTER
GILL

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-574

SUMMARY

The bill clarifies the authority of the Department of Human Services and the Department of Mental Health and Mental Retardation under the Adult Protective Services Act to investigate when an incapacitated or dependent adult is reported to be at substantial risk of abuse, neglect or exploitation and to protect these adults at substantial risk whether or not prior abuse, neglect or exploitation has occurred.

The bill also allows designated employees of the Department of Human Services and the Department of Mental Health and Mental Retardation to represent the departments in Probate Court in uncontested conservatorship and termination of guardianship or conservatorship proceedings and also in emergency guardianship for placement in adult foster homes, boarding homes or nursing homes or for orders necessary to apply for or preserve an estate in emergency situations.

Committee Amendment "A" (S-574): The amendment adds a fiscal note.

LD 2190 **An Act to Define Conflict of Interest for Probate Judges**

PUBLIC 697

SPONSOR(S)

PARADIS P

COMMITTEE REPORT

OTP

AMENDMENTS ADOPTED

SUMMARY

The bill clarifies the conflict of interest created when a probate judge acting as a private attorney represents a private litigant in the court where the judge sits regularly. The bill requires that such cases will be decided in an adjoining county. The bill also prohibits a judge from acting as a lawyer in a case already pending before the judge.

LD 2194 **An Act to Clarify the Law Regarding the Power of Sale Foreclosure Laws**

PUBLIC 768

SPONSOR(S)

PARADIS P

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1114

SUMMARY

The bill clarifies when a power of sale is effective and avoids affecting transactions entered into prior to the effective date of the 1991 law. It also discourages a person from moving into commercial building simply to avoid the foreclosure.