

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.

The bill required that two consulting physicians must independently certify the individual's condition before a medically assisted death may proceed. If both consulting physicians certify that the individual has an incurable and irreversible condition, the individual's attending physician, any other physician and any health care facility would be authorized to assist the individual with a medically assisted death.

LD 2258 An Act Regarding Parental Rights ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LAWRENCE RICHARDS STEVENS P GAUVREAU	ONTP	

SUMMARY

The bill established that the husband of a woman artificially inseminated with semen from a donor is the legal father of the child conceived.

LD 2259 An Act to Modify the Medical Examiner Act to Limit Liability of Medical Record Providers PUBLIC 723

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P	OTP	

SUMMARY

The bill enacts language that parallels the Maine Revised Statutes, Title 5, section 200-E, subsection 6 to extend immunity from civil and criminal liability to those persons, primarily physicians and hospitals, who provide the medical examiner with the materials needed to perform the functions of that office.

LD 2261 An Act to Consider All Sources of Income When Issuing Small Claims Judgments ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
WHITCOMB LIBBY	ONTP	

SUMMARY

The bill required a judge to consider all sources of income of a defendant in determining a payment schedule when issuing small claims judgment. The bill allowed judges to set installment payments which take into account income received from public benefit programs and income which do not exceed the amount of the minimum wage for a 40-hour week.

**LD 2264 An Act to Enhance the Operations of the District Court Violations Bureau PUBLIC 733
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P	OTP-AM	H-1057

SUMMARY

The bill corrects inconsistencies in the laws that establish the violations bureau. The bill also defines the difference between the commencement of a traffic infraction through the use of a Violation

Summons and Complaint and the commencement of a civil violation through the use of a Uniform Summons and Complaint. The bill also provides a method for the violations bureau to notify the Office of the Secretary of State, Division of Motor Vehicles of suspension of operators' licenses.

Committee Amendment "A" (H-1057): The amendment restores language inadvertently repealed in 1990 permitting a court to impose reasonable costs on a defendant for failure to answer or failure to appear in court. The amendment adds language to provide consistency between the Maine Revised Statutes, Title 17-A and Title 29 with regard to the requirements for law enforcement officers filing a summons and complaint. The amendment also makes technical changes that were made incorrectly in the original bill.

LD 2269 An Act to Establish Consecutive Sentencing and Mandatory Minimum Sentences for Certain Persons Convicted of Gross Sexual Assault ONTP-MAJ REP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
OTT	ONTP	MAJ	
LAWRENCE	OTP-AM	MIN	
HICHENS			

SUMMARY

The bill established mandatory minimum sentences for repeat offenders convicted of gross sexual assault. The bill also specified that when a person subject to a term of imprisonment for a violation of gross sexual assault is convicted of another violation of that crime, the sentences run consecutively.

Committee Amendment "A" (H-1145) - Minority Report: The amendment added a fiscal note. [not adopted]

LD 2289 An Act Concerning the Needs of Out-of-control Children INDEF PP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
ANTHONY	OTP-AM	MAJ	H-1225
RICHARDS	ONTP	MIN	
MURPHY			
TITCOMB			

SUMMARY

The bill established laws similar to the mental health involuntary commitment laws. It provided a process for a court to determine if a child under 15 years of age is out of control and unable or unwilling to receive necessary services and if a child is in need of involuntary residential placement. If the court made that determination, it could have ordered the necessary services. It required the Department of Human Services to advise the court and make recommendations with regard to the child. The bill also authorized that if a child runs away from a placement, the child may be returned to the placement.

Committee Amendment "A" (H-1225): The amendment replaced the bill. It established a new category within the jurisdiction of the child protective laws. The child protective laws, including the court's ability to order services, are expanded to cover not only children in jeopardy, but also children in need of supervision or treatment.

A child would come within the definition of being in need of supervision or treatment if that child is under 15 years of age and is without or beyond the control of the child's parents or any person responsible for the child. Being without or beyond the control of parents or others would be evidenced by serious harm or threat of serious harm, as already defined in the current child protective laws, to the child or to others.