

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 amendment amended the interim care provisions in the Juvenile Code to provide for the handling of juveniles under the age of 15 who meet the definition of being in need of supervision or treatment. It prohibited the holding of a juvenile in need of supervision or treatment in a jail or other secure correctional facility. When a juvenile is taken into interim care because the juvenile is in need of supervision or treatment, the Department of Human Services would be required either to take action under the child protective provisions or inform the juvenile and the juvenile's parents of the application of the child protective procedures to children in need of supervision or treatment.

The amendment also added an appropriation and a fiscal note to the bill.

LD 2290 An Act to Open State Government to Public View

PUBLIC 773

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|--|-------------------------|---------------------------|
| MARTIN J JOSEPH BERUBE GAUVREAU | OTP-AM | H-1111 |

SUMMARY

The bill ensures full accountability of governmental actions by broadening the scope of public access laws. It defines those legislative subcommittees that are subject to the open meeting provisions, clarifies when legislative documents lose their confidentiality protections, and opens legislative files to the public at the end of each legislative session. The bill also lowers the culpable state of mind that applies to the penalty for governmental officials who violate the public access laws and imposes a penalty on governmental officials who knowingly release or obtain confidential documents they are not entitled to have. The bill also opens certain government personnel records to public view, including employment applications and written decisions resolving disciplinary complaints.

Committee Amendment "A" (H-1111): The amendment clarifies the definition of legislative subcommittee and provides that legislative papers and reports remain confidential during any session to which they are carried over.

The amendment removes from the bill changes in the confidentiality of materials related to the development of positions on legislation by associations composed of government members and provisions related to confidentiality of public employee disciplinary records. The amendment also removes from the bill changes to the penalty for violation of the freedom of access laws and provisions expanding the types of persons who may be present at executive sessions related to certain employment issues.

LD 2293 An Act to Provide for Periodic Review and Modification of Child Support Orders

PUBLIC 840

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|--|-------------------------|---------------------------|
| COLLINS GAUVREAU ANTHONY HASTINGS | OTP-AM | S-654 |

SUMMARY

The bill enables the Department of Human Services to comply with the requirements of the federal Family Support Act of 1988, which mandates that states conduct reviews and modification of child support obligations to ensure that child support awards are compatible with state child support guidelines. The bill provides an expedited process that facilitates the ability of the Department of Human Services and