

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

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**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

the Judicial Department to cope with the thousands of reviews and actions to modify child support awards that occur as a result of the federal requirements.

Committee Amendment "A" (S-654): The amendment authorizes the court to admit Department of Labor statistics regarding wages to help the court compute a parental support order. The amendment also replaces the provisions on service of the motion to modify support. The amendment also removes an example of what constitutes a meritorious defense to failing to request a hearing on an order to modify support.

LD 2315 An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders

PUBLIC 809

SPONSOR(S)

LARRIVEE
CATHCART
ESTY
OTT

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1271

SUMMARY

The bill creates the Sex Offender Registration Act. The bill requires the Department of Public Safety, State Bureau of Identification to maintain a sex offender information registry. The department shall supply forms to all correctional facilities and inform the facilities of their duty to inform any sex offender that is sentenced to probation or is being released from prison that the person must register with the local law enforcement agency of the town in which the person intends to reside. The department shall establish rules for the implementation of this Act.

Committee Amendment "A" (H-1271): The amendment replaces the bill. It establishes the requirement that sex offenders who victimize children must register their current addresses with the State Bureau of Identification for 15 years. A juvenile is required to register only if he or she was tried and convicted as an adult. The registration requirement is waived only when the conviction or adjudication is vacated, a full and free pardon is granted, a certification of rehabilitation is issued or the sentencing court orders, for good cause shown, that the requirement be waived.

Records of criminal convictions are public information and are available from the State Bureau of Identification.

The amendment does not include any requirement to register with local law enforcement agencies or for the local law enforcement agencies to maintain a register of sex offenders residing within their jurisdictions.

The amendment adds a fiscal note to the bill.

LD 2318 An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights

PUBLIC 821

SPONSOR(S)

GAUVREAU
OTT
JACQUES

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-651

SUMMARY

The bill addresses a potential problem resulting from the Law Court's decision in Phelps v. President and Trustees of Colby College, 595 A.2d 403 (Me. 1991). Under the court's decision, the Maine civil rights