

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JULY 1993

Staff:
Margaret J. Reinsch, 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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DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

LD 120 **An Act to Cover Employees of the Maine National Guard under the Maine Human Rights Act and the Whistleblowers' Protection Act** CARRIED OVER

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
FARNSWORTH

SUMMARY

The bill specifically extends the protections and rights under the Whistleblowers' Protection Act and the Maine Human Rights Act to members of the Maine Army National Guard and the Maine Air National Guard.

LD 124 **An Act to Improve Enforcement of Small Claims Actions** ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CAREY ONTP

SUMMARY

The bill would have provided greater enforcement of a money judgment in a small claims action by requiring minimum monthly installments.

LD 142 **An Act to Impose a Cap on Awards of Damages in Tort Actions** ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
MARSHALL ONTP

SUMMARY

The bill would have placed a cap of \$250,000 on damages awarded in a tort action.

LD 147 **An Act to Provide for Enhanced Penalties for Crimes Committed against Elderly or Handicapped Persons** ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
NASH ONTP

SUMMARY

The bill would have enhanced the classification of crimes committed against persons 60 years of age or older or handicapped persons or crimes committed against their property. The classification of a crime would have been enhanced by one level if the victim is an elderly or handicapped person.

LD 151 **An Act to Amend the Laws Governing Termination of Parental Rights and Placement of Children** PUBLIC 198

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
NORTON OTP-AM H-279

SUMMARY

The bill proposes to make 3 changes in the laws governing protection orders and termination of parental rights. First, the bill shortens the time period for review of final protection orders from 18 months to 6 months. Second, it allows a jury trial on petitions for termination of parental rights. The third

component of this bill requires the court to consider the placement wishes of a child at least 12 years of age in making placement decisions.

Committee Amendment "A" (H-279) strikes sections of the bill shortening the review period for final protection orders and providing for a jury trial in hearings involving the termination of parental rights.

LD 214 An Act to Ensure That Interest on Lawyers' Trust Accounts Is the Property of the Clients ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CARR ONTP

SUMMARY

The bill would have required that any net interest earned on lawyers' client funds, other than retainers and advances for copies and costs, must be paid to the client. The bill would have made funding of nonprofit corporations with Interest On Lawyers' Trust Accounts (IOLTA) money illegal. The language tracks the current wording of the Maine Bar Rules.

LD 221 An Act to Clarify the Liability of Fire Chiefs ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
LORD ONTP

SUMMARY

The bill would have ensured that a fire chief would not be held liable under the Maine Tort Claims Act for merely negligent acts or omissions of the firefighters in the department or association within the course and scope of employment.

LD 227 An Act to Increase the Days on Which Protective Custody Hearings Are Held ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CASHMAN ONTP
DORE

SUMMARY

The bill would have required that courts schedule all types of child protective hearings every day that the court is in session.

LD 240 An Act to Change the Statutory Provisions Applying to the Dissemination of the Records and Reports Maintained by the State Police PUBLIC 376

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CLUKEY OTP-AM H-618

SUMMARY

Currently, there is a specific law governing the records and reports of the Bureau of State Police that makes all of the bureau's records and reports, except certain stated ones, confidential. There is also a