

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JULY 1993

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**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.

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LD 267 An Act Concerning Court Approval of Minor Settlements

PUBLIC 97

SPONSOR(S)
LIPMAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-155

SUMMARY

The bill specifically permits the court to allow disbursement of funds through a trust in settlements of actions brought on behalf of infants.

Committee Amendment "A" (H-155) clarifies that the court's authority to establish a trust does not permit the trust to extend beyond the minority of the beneficiary.

LD 280 An Act to Amend the Child Protection Laws

ONTP

SPONSOR(S)
BALDACCI

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have raised the standard of proof in child protection proceedings from a "preponderance of the evidence" to "beyond a reasonable doubt." The bill would have required that when the Department of Human Services interviews a child in a police station or in the presence of a law enforcement officer, the parents have the right to have counsel present or to have the interview videotaped. The bill also would have required the department to establish procedures for parental visitation at departmental offices and would have provided for the appointment of the child welfare services ombudsman.

LD 290 An Act to Amend the Laws Governing Child Protection Orders

ONTP

SPONSOR(S)
DORE

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have terminated the Department of Human Services' responsibilities for family reunification and rehabilitation under the Maine Revised Statutes, Title 22, section 4041, with respect to any parent when 2 placements with that parent have failed, regardless of whether the 3rd placement in departmental custody is voluntary or involuntary. A limited exception would have been provided when the placement is temporarily required for medical or respite care.

LD 292 An Act to Provide a Deterrent to Child Sexual Abuse

PUBLIC 451

SPONSOR(S)
FAIRCLOTH
LAWRENCE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-443

SUMMARY

The bill increases the deterrents for child sexual abuse.

First, the bill increases from a Class D crime to a Class C crime the crime of sexual abuse of a minor in certain circumstances. Those circumstances are:

1. If the actor is at least 10 years older than the victim and the victim is 14 or 15 years old; or
2. If the actor knows the victim is related within the 2nd degree of consanguinity to the actor. This is the same degree of consanguinity that defines incest.

Second, the bill increases from a Class D crime to a Class C crime the crime of unlawful sexual contact if the victim is under 18 and the actor is a parent, stepparent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of the victim.

Committee Amendment "A" (H-443) replaces the bill, although it retains the proposals made by the bill. Sexual abuse of minors is raised from a Class D crime to a Class C crime when the actor is 10 or more years older than the victim, and also when the actor knows the victim is within the 2nd degree of consanguinity. The 2nd degree of consanguinity includes the actor's siblings, parents, children, aunts and uncles, nieces and nephews, grandparents, grandchildren and cousins. The amendment makes the 3rd offense of sexual abuse of minors, unlawful sexual contact and incest a Class C crime. The amendment also adds a fiscal note.

LD 293 An Act Regarding Wrongful Death Actions

CARRIED OVER

SPONSOR(S)
FARNSWORTH

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill amends the current law regarding death actions to allow award of full and fair compensation for the loss suffered as the result of wrongful acts that result in the death of a person. It prevents a defendant from receiving an artificial advantage simply because the person dies rather than lives as the result of a wrongful act. In addition, the bill provides a limitation period for an action for wrongful death consistent with the 6-year statute of limitations for other civil actions in the State.

LD 294 An Act Concerning the Structure of the State Court Library Committee and the System of State Law Libraries

PUBLIC 375

SPONSOR(S)
KETTERER

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-523

SUMMARY

The bill reestablishes small law libraries in some of the locations that had libraries closed previously. The bill also expands membership in the State Court Library Committee.

Committee Amendment "A" (H-523) corrects the number of members of the State Court Library Committee constituting a quorum to reflect the addition of new members. The amendment provides that, for the next 2 fiscal years, the committee is not required to allocate funds for Tier IV libraries or to allocate an equal share of funding for each library within a specific tier. The amendment also repeals the establishment of Tier IV libraries on July 1, 1995.