

# 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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 756**      **An Act to Clarify the Child and Family Services and Child Protection Act**      ONTP

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

**SUMMARY**

The bill would have required the court to determine when intervention will occur in child protection cases and would allow intervention only when the court determines that the intervention is in the child's best interests.

**LD 763**      **An Act to Provide a Remedy for a Violation of the Lead Poisoning Control Act**      CARRIED OVER

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

**SUMMARY**

The bill makes a violation of the Lead Poisoning Control Act prima facie evidence of an unfair trade practice in a court action that is limited to seeking equitable relief.

**LD 764**      **An Act to Determine Eligibility of Child for Benefits**      PUBLIC 248

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
BEGLEY                      OTP-AM                      S-161

**SUMMARY**

The bill requires parents to file affidavits with the court regarding income and assets for child support determination not only prior to final protection hearings under Title 22, section 4035, but also prior to hearings on preliminary protection orders, Title 22, section 4034, and motions for review, Title 22, section 4038, unless current information is already on file with the court. The bill also requires parents to provide information to the department when their child has been ordered into the custody of the Department of Human Services in a child protection proceeding, Title 22, chapter 1051, in a divorce proceeding, Title 19, chapter 13, or a juvenile proceeding, Title 15, chapter 507, so that the department can determine whether the child is eligible for federal, state or other 3rd-party benefits and also requires the parent to provide any necessary authorization for the department to apply for any benefits for which the child may be eligible.

Committee Amendment "A" (S-161) lengthens to 30 days the amount of time within which parents must provide the required information.

**LD 767**      **An Act to Expand the Definition of Escape**      PUBLIC 440

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
KIEFFER                      OTP-AM                      S-197  
LARRIVEE

**SUMMARY**

The bill specifies that a person who is on furlough is guilty of escape if that person intentionally goes to a location other than that allowed by the terms of the furlough.

Committee Amendment "A" (S-197) makes going to a location other than that permitted by the terms of the leave a Class D crime.

**LD 769      An Act to Clarify the Grounds for Civil Action for Child Sexual Abuse      PUBLIC 176**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
TITCOMB                              OTP

**SUMMARY**

For purposes of civil actions alleging sexual acts toward minors, the bill defines "sexual intercourse" as that term is defined under the criminal incest laws.

**LD 776      An Act to Repeal Certain Provisions of the Maine Health Security Act      CARRIED OVER**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
MARTIN J

**SUMMARY**

The bill repeals the provisions of the Maine Health Security Act that establish the prelitigation screening and mediation panels, structured awards and limitations on contingent fees.

**LD 778      An Act to Prevent Procurement of Controlled Substances through Fraud      ONTP**

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

**SUMMARY**

The bill would have amended the drug laws dealing with obtaining drugs by deception by adding the terms "misrepresentation," "fraud," "forgery" and "subterfuge" to the law.

**LD 782      An Act Regarding the Writing of Bad Checks      ONTP**

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

**SUMMARY**

The bill would have expanded the theft crimes to include intentionally or knowingly writing a check on an account the writer knows is closed.