

# 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.

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**SPONSOR(S)**  
OTT**COMMITTEE REPORT**  
OTP-AM**AMENDMENTS ADOPTED**  
H-509**SUMMARY**

The bill adopts the Uniform Management of Institutional Funds Act drafted by the National Conference of Commissioners on Uniform State Laws. It addresses several areas not previously dealt with by the current law, including:

1. Broadening the scope of application to all organizations operated for educational, religious, philanthropic or other charitable purposes, as well as governmental organizations holding funds exclusively for any of these purposes;
2. Defining the scope of investment powers available to these organizations; and
3. Establishing a system for release of obsolete restrictions on the use of funds.

The bill changes the section of the Probate Code that established a preference for distribution in kind to a preference for distribution in an equitable manner. The bill repeals the provision that voids a premarital agreement upon the birth, adoption or guardianship of a child. The bill repeals the provision that requires a routine Probate Court accounting by a custodian prior to the termination of the custodian's responsibilities.

Committee Amendment "A" (H-509) makes several clarifications and 2 substantive changes to the bill. The bill repealed the provision that makes premarital agreements void after the birth or adoption of a child if not reaffirmed or altered. The amendment makes that provision inapplicable prospectively only; the section does not apply to premarital agreements executed after October 1, 1993. The bill repealed a provision in the Uniform Transfers to Minors Act, added by the 115th Legislature, requiring the custodian of funds for a minor to file an accounting with the Probate Court and the minor. This amendment deletes that repealer from the bill and keeps the accounting requirement in place.

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

The bill was submitted in compliance with Public Law 1991, chapter 844, section 8, which requires the Secretary of State to submit legislation repealing all advisory boards and commissions listed in the Maine Revised Statutes, Title 5, sections 12004-I and 12004-J as well as other advisory boards and commissions with similar functions.

The bill would have repealed advisory boards on judiciary matters. Part A would have repealed the Judicial Council. Part B would have repealed the Criminal Law Advisory Commission. Part C would have repealed the Maine Commission on Domestic Abuse. Part D would have repealed the Victims' Compensation Board.