

# 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 1473 An Act to Provide Statutory Procedures for Grievances  
against Attorneys**

ONTP

**SPONSOR(S)**  
HARRIMAN

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have established the Attorney Grievance Board under the jurisdiction of the Department of the Attorney General.

**LD 1485 An Act to Require Immediate Income Withholding for All Child  
Support Orders**

PUBLIC 472

**SPONSOR(S)**  
PLOWMAN

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-531  
S-363 PEARSON

**SUMMARY**

The bill requires all child support orders issued by a court in this State to include an order for immediate income withholding unless the court finds good cause or approves an alternative arrangement. Federal law requires compliance with this requirement.

Committee Amendment "A" makes all 3 sections on child support court orders in the Maine Revised Statutes, Title 19, the same regarding responsible parents providing the Department of Human Services with specific information if the department collects child support for the custodial parent. It corrects language concerning civil violations and the appropriate forfeiture to be adjudged. It deletes a reference to the state limit on withholding income as applied to child support orders covered by the bill. The federal limit on withholding applies. It also makes a technical change in the wording regarding rulemaking and adds a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-363) replaces the appropriation section with an appropriation section and an allocation section.

**LD 1499 An Act to Expedite the Establishment of Administrative  
Child Support Orders**

CARRIED OVER

**SPONSOR(S)**  
HANLEY

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

The purpose of this bill is to enable the Department of Human Services to establish child support obligations more efficiently. The bill makes significant changes to the existing hearings statutes while intending to retain the elements of fundamental fairness now present. The bill creates a new section, taking the place of two existing sections, to create a unified process for establishing child support obligations at administrative hearings and thus simplifies the establishment of debts when debts are owed to both the Department of Human Services and a custodial parent. The bill also provides that a responsible parent or the department may request a hearing to amend an administrative decision based on a substantial change of circumstances. The bill creates an alternative process for establishing support obligation administratively. The bill further amends existing law to authorize the department to issue an initial notice informing the responsible parent of the intention to establish a support obligation and

the right to request a hearing. The bill also clarifies that a debt due the department under Title 19, section 495 for public assistance paid out is a debt for past necessary support.

**LD 1504      Resolve, to Authorize Bonding by the Maine Court  
                 Facilities Authority**

INDEF PP

**SPONSOR(S)**  
DUTREMBLE D

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-251

**SUMMARY**

The bill would have authorized the Maine Court Facilities Authority to draw down an additional \$7,000,000 to be used to fund the cost of constructing new facilities to replace substandard courthouses in Biddeford, Skowhegan and at other locations designated by the Maine Court Facilities Authority. In addition to renovations that are necessary to address safety and overcrowding problems, the cost of modifying existing facilities to meet mandated requirements of the federal Americans with Disabilities Act is cost-prohibitive.

Committee Amendment "A" (S-251) added a fiscal note.

See Part TTT of PL 1993, c. 410..

**LD 1511      An Act to Legalize Marijuana for Medicinal Purposes**

CARRIED OVER

**SPONSOR(S)**  
LARRIVEE

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill reestablishes the Marijuana Therapeutic Research Program, administered by the Commissioner of Human Services, which was repealed December 31, 1987. The Board of Registration in Medicine must review any patient wishing to participate in the program. Participation is limited to chemotherapy or radiation therapy and glaucoma patients who are not responding to conventional treatment or who are suffering severe side effects, and any other patient when medical evidence presented to the board justifies that participation. If the board approves a patient, the patient's physician may write a prescription that can be filled at a state or privately operated licensed pharmacy designated by the board. The commissioner may obtain analyzed marijuana available from the Federal Government and deliver it to the pharmacy for dispensing to any approved patient with a written prescription from the patient's physician. The commissioner and the board are required to make an annual report to the Governor and the Legislature, enabling both the legislative branch and executive branch to monitor the program closely. This bill also defines side effects of chemotherapy or radiation therapy as "significant nausea or vomiting." The bill also repeals the provisions related to glaucoma patients on October 1, 1996.

**LD 1514      An Act to Promote Family Financial Responsibility through  
                 More Effective Child Support Enforcement**

CARRIED OVER

**SPONSOR(S)**  
HARRIMAN

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill provides for the suspension of professional and driver's licenses for nonpayment of child support. It also provides for health insurance withholding orders, and deletes additional State