

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
116TH LEGISLATURE**

**SECOND REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**MAY 1994**

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

## **SUMMARY**

The bill would have eliminated the statute of limitations for civil actions resulting from rape or gross sexual assault and incest if the victim of the offense was under 16 years of age at the time the offense was committed.

The bill was carried over from the First Regular Session.

### **LD 1463      An Act to Permit Collection of Public Assistance Overpayments by Administrative Process**

**PUBLIC 654**

**SPONSOR(S)**  
BUTLAND

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-1027 COTE  
S-532

## **SUMMARY**

This bill establishes an administrative method for the collection of overpayments made by benefit programs administered by the Department of Human Services after the individuals who have been overpaid stop receiving benefits. The bill permits the Department of Human Services to collect overpayments by issuing income withholding orders to employers, executing wage assignments, filing liens against the obligor's property and reporting unpaid amounts to consumer credit reporting agencies.

COMMITTEE AMENDMENT "A" (S-532) replaces the bill to correct a section numbering problem. It makes several changes in the definitions set out in the bill. "Overpayment" is revised to include only overpayments that are determined by the Department of Human Services or a court to be the result of intentional program violations. "Program benefits" is changed to include only Aid to Families with Dependent Children and food stamp benefits. Overpayment notices must include mention of the collection remedies available. If the obligor requests a hearing, the obligor may raise the issue of whether the obligor is entitled to receive any credits for any reason to offset the overpayment. The department shall make a decision on the issue. The obligor has 30 days to appeal the department's decision after its issuance. The department may begin to use the collection remedies 30 days after the decision is issued. Because the collection remedies are limited to overpayments resulting from intentional program violations, the limit on income withholding orders is raised from 10% to 25% of the obligor's gross income.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1027) ensures that the remedies provided for the recovery of overpayments apply to overpayments made before the effective date of the bill.

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

**PUBLIC 607**

**SPONSOR(S)**  
HANLEY

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-501

## **SUMMARY**

The bill enables the Department of Human Services to establish child support obligations more efficiently. Enactment of the Maine Revised Statutes, Title 19, section 497-A in this bill combines existing section 498, Aid to Families with Dependent Children, and section 498-A, persons who are not under the Aid to Families with Dependent Children system, 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. This change allows the Department of Human Services to obligate a responsible parent for all periods of unpaid support at a single hearing based on the issuance of a single notice, regardless of whether the support obligation is assigned to the Department of Human Services or is owed to the 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.

Enactment of Title 19, section 497-B in the bill creates an alternative process for establishing a support obligation administratively. Under the process created in the bill, the department does not automatically schedule a hearing in every case but notifies the responsible parent of that parent's right to request a hearing in an initial notice served by the department informing that parent of the department's intention to establish a support obligation.

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. If no hearing is requested, the department's decision is enforceable within 10 days after being mailed. If the parent requests a hearing, the department makes the decision as under current law.

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.

COMMITTEE AMENDMENT "A" (S-501) deletes language referring to the obligation of a responsible parent to pay a proportionate share of uninsured medical expenses because that obligation is already included in the definitions of the other terms used in the child support laws. The amendment changes the period of time that the Department of Human Services has to send a notice of hearing from 20 days to 30 days to conform with federal requirements governing review and modification of child support orders. It also extends the time within which a responsible parent must complete an income affidavit from 20 days to 30 days. It requires the Department of Human Services to wait 30 days before initiating collection actions. It also clarifies language relating to the failure of a responsible parent to appear at a hearing and the opportunity for a responsible parent to have a decision set aside within one year. The amendment deletes section 9 of the bill because the change is unnecessary due to the changes made by Public Law 1993, chapter 410.

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

ONTP

**SPONSOR(S)**  
LARRIVEE

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

### **SUMMARY**

This bill would have created an affirmative defense to a prosecution for possession of marijuana if the person who possessed it, did so for that person's own use and the person had glaucoma or was suffering from significant nausea or vomiting as a result of chemotherapy or radiation therapy. The bill also established the Marijuana Therapeutic Research Program to provide a structure for marijuana therapeutic research if supplies became available from the federal government.

This bill was carried over from the First Regular Session.

The COMMITTEE AMENDMENT (H-785) would have removed the provisions of the original bill relating to the Marijuana Therapeutic Research Program. It would have limited the amount of marijuana that may be possessed and clarified and expanded the purposes for which it may be possessed. The amendment also would have clarified the burden of proof of the affirmative defense and provided that smoking marijuana is prohibited under the same circumstances as smoking tobacco. The amendment would not affect prosecutions for the trafficking or furnishing of marijuana.

After being reported out of Committee, the bill was rereferred to the Judiciary Committee which reconsidered its original recommendation and unanimously reported Ought Not to Pass.