

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

AUGUST 1995

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE
THE JOINT STANDING COMMITTEES**

AUGUST 1995

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

SUMMARY

This bill would have required the court to enforce visitation rights and other rights of contact through the imposition of fines, terms of imprisonment and any other appropriate sanctions available to the court, including modification of orders allocating parental rights and responsibilities.

COMMITTEE AMENDMENT "A" (H-211) is the Majority Report. It replaces the bill. It amends the laws concerning orders awarding parental rights and responsibilities to include specific actions a court can order when a parent violates an order. One action authorized is a requirement that additional visitation be provided when visitation was wrongfully withheld.

LD 471 An Act Concerning the Jurisdiction of the Penobscot Nation Tribal Court ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KEANE	ONTP	

SUMMARY

Current law allows the Penobscot Nation Tribal Court to prosecute Class D crimes committed on the Penobscot Reservation between members of the Penobscot Nation or by one tribal member against another tribal member's property only until September 30, 1995. This bill would have removed that sunset and extended that authority indefinitely. See LD 1333.

LD 479 An Act to Provide Merchants Greater Recourse to Combat Deceptive and Illegal Practices PUBLIC 288

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUCK	OTP-AM	H-360

SUMMARY

This bill gives merchants greater civil recourse against shoplifters and passers of bad checks.

This bill would have required financial institutions to issue checks starting at number 1 for all new checking accounts. This bill would have increased the civil penalties for passers of bad checks. It also provides for civil recovery against shoplifters.

COMMITTEE AMENDMENT "A" (H-360) replaces the first 5 sections of the bill addressing civil consequences for writing bad checks and similar instruments. It clarifies and increases the monetary consequences to include court costs, processing charges and interest at the annual rate of 12% if certain requirements are met. The court may award reasonable attorney's fees and a civil penalty of \$50 to the prevailing party. This amendment changes the civil penalty for shoplifting to 3 times the retail price of the merchandise taken or attempted to be taken and establishes that penalty at not less than \$50 nor more than \$500. This amendment also adds a fiscal note to the bill.

LD 484 An Act Concerning Grandparents' Rights of Visitation and Custody PUBLIC 290

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
POULIN	ONTP MAJ	H-210
	OTP-AM MIN	H-379 POULIN

SUMMARY

This bill would have permitted grandparents to be awarded parental rights and responsibilities in any proceeding when those rights will be awarded, including parental separation, divorce, surrender and release for adoption, termination of parental rights and child protective proceedings. The bill would have required a petition by grandparents for visitation rights to be considered a motion to intervene in proceedings when parental rights and responsibilities are determined.

COMMITTEE AMENDMENT "A" (H-210) is the Minority Report. It replaces the bill. It allows a grandparent to petition for rights of visitation and access even after the parents' rights have been terminated, but only until the child's adoption is finalized. Any rights granted under the Grandparents Visitation Act or the intervenor provisions of the child protection laws terminate upon finalization of the adoption. The court must give notice of the finalization to grandparents who have notified the court that they have rights of visitation or access.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-379) replaces the Committee Amendment. It allows a grandparent to petition for rights of visitation and access even after the parents' rights have been terminated, but only until the child is placed for adoption. Any rights granted under the Grandparents Visitation Act or the intervenor provisions of the child protection laws are suspended when the child is placed for adoption. The department must give notice of the finalization to grandparents who have notified the court that they have rights of visitation or access. The amendment allows for prospective adoptive parents to independently facilitate contact between a child and a grandparent.

LD 486 An Act Terminating Parental Child Support Obligation When ONTP
the Child Attains 18 Years of Age

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

SUMMARY

This bill would have provided that a parent's obligation to support that parent's child ends when the child reaches the age of 18 years. The bill would have repealed provisions enacted by Public Law 1989, c. 156 requiring continued support of offspring between the ages of 18 and 19 years who are secondary school students.

LD 488 An Act Concerning Uncompensated Care Liability for Health ONTP
Care Providers

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

SUMMARY

This bill would have provided immunity from liability for civil damages to providers of uncompensated health care. The immunity would have applied to health care providers and entities that sponsor, promote or organize health screening clinics or provide health screening services. The bill required disclosure to the patient prior to the service that there will be no direct compensation paid and that the patient waives the right to sue for civil damages. The bill also would have required a signed waiver from the patient.