

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

AUGUST 1995

**MEMBERS:**

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Sen. Joan M. Pendexter  
Sen. Sean F. Faircloth*

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Rep. Frederick Moore III*

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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 &amp; 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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

**LD 526**      **An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule**

CARRIED OVER

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
TREAT  
RAND

**SUMMARY**

This bill proposes to enact a discovery rule with respect to the statute of limitations relating to health care providers and health care practitioners.

**LD 529**      **An Act to Allow the Department of Human Services to Take Protective Custody of Certain Newborn Children**

ONTP

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
PLOWMAN                      OTP-AM                      MAJ  
                                         ONTP                              MIN

**SUMMARY**

This bill would have allowed the Department of Human Services, as a short-term emergency intervention, to take custody of a newborn child if other children of the same mother are in the custody of the department, the mother has not made significant gains in reuniting with those children and the mother is unable to provide an appropriate alternative caretaker for the newborn child.

COMMITTEE AMENDMENT "A" (H-515) is the Majority Report. It would have replaced the bill. It would have created the rebuttable presumption that a child is in threat of serious harm in 2 specific fact situations. This would shift the burden of proof in a child protective proceeding to the parent to prove that the child is not in threat of serious harm, despite the existence of the facts that set up the presumption. The provisions could have been applied to protect children of all ages. (Not adopted)

**LD 538**      **An Act Relating to the Budget of the Judicial Department**

ONTP

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

**SUMMARY**

This bill comprises recommendations concerning the budget of the Judicial Department made by the Commission to Study the Future of Maine's Courts. This bill would have required that the Judicial Department's operating budget be established as a single line in the state budget legislation, allowing the department to transfer funds among accounts without approval of the Governor or the Legislature. It also would have required the Governor, when submitting legislation concerning the judicial or legislative budgets, to include the budgets as proposed by those departments in recognition of their status as independent, equal branches of government. The bill would have repealed the language added in the 116th Legislature requiring the Governor to submit reports when the Governor's proposed budget differs from the Judicial Department's proposed budget.

**LD 554**      **An Act Concerning the System of State Law Libraries**

PUBLIC 55  
EMERGENCY

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
MICHAUD                      OTP-AM                      S-50