

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. Sean F. Faircloth*

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Rep. Frederick Moore III*

Staff:

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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

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

SUMMARY

This bill continues authorization for county law libraries located in Houlton, Farmington, Dover-Foxcroft and Belfast.

COMMITTEE AMENDMENT "A" (S-50) adds a fiscal note to the bill.

LD 560 An Act Concerning Trust Investments by Trustees in Affiliated Securities and Bonds ONTP

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

SUMMARY

This bill would have repealed existing fee provisions applicable to trustees investing in affiliated investments and would have established disclosure requirements for investments by trustees in affiliated investments.

LD 569 An Act to Remove Restrictions on Compensation For Deputy District Attorneys PUBLIC 39

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
POVICH OTP S-34 MILLS
MILLS

SUMMARY

This bill repeals the provision that provides that a deputy district attorney's salary may not be more than 90% of the salary designated for the district attorney.

SENATE AMENDMENT "A" (S-34) adds an emergency preamble and emergency clause to the bill.

LD 612 An Act to Change the Reimbursement Procedure for Law Enforcement Personnel Testifying in Court ONTP

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

SUMMARY

This bill would have eliminated the current flat-fee reimbursement of \$10 a day for a law enforcement officer appearing for trial in District Court outside of the officer's regular working hours. It would have replaced it with reimbursement on an hourly basis at the officer's range and step level, the reimbursement method used before the 1991 amendments substituted the flat fee.

LD 629 An Act to Correct Problems Created in Implementing Recent Changes in the Adoption Laws ONTP

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