

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

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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

**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

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
KIEFFER VIGUE	ONTP	

**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  
EMERGENCY

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
POVICH MILLS	OTP	S-34    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

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
GWADOSKY	ONTP	

**SUMMARY**

This bill would have made changes to the new adoption laws. The intent was to clarify procedures that have been subject to differing interpretations by the Probate Courts and others involved with adoptions, rather than to make policy changes. The changes proposed included: clarifying the application of Public Law 1993, chapter 686; allowing a putative father to waive his right to notice and further participation in the adoption proceedings; amending the requirement that birth parents receive or at least be offered counseling by exempting situations in which a stepparent or other relative is the person adopting the child; requiring the birth parent or parents who sign the consent or surrender and release to sign an additional statement affirming that they received the explanation of their parental rights and responsibilities as well as the effect of the consent or the surrender and release; clarifying that once the judge explains the parents' rights and responsibilities, the parents need not appear before the judge again to sign the consent or surrender and release after the 3-day waiting period; allowing the court to accept a consent or a surrender and release that was accepted by a court of comparable jurisdiction in another state if the court complied with the requirements of that state; accommodating laws of other states concerning notification of the finalization of an adoption; amending the adoption laws concerning confidentiality of records. See LD 1400.

**LD 630 An Act to Require a 24-Hour Waiting Period before an Abortion May Be Performed**

ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
AHEARNE	ONTP MAJ OTP-AM MIN	

**SUMMARY**

This bill would have repealed existing standards for informed consent and replaced them with a provision modeled after the Pennsylvania statute held constitutional in Planned Parenthood of Southeastern Pennsylvania v. Casey, \_\_\_ U.S. \_\_\_, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992).

COMMITTEE AMENDMENT "A" (H-474) is the Minority Report. It would have replaced parts of the bill. It would have restated the state policy concerning abortion to include a cross-reference to the requirement that a pregnant woman request and obtain a pregnancy information packet at least 24 hours before the abortion is performed. The amendment would have provided that a pregnant woman have several sources from which to receive the packet of information related to abortion. The packet would contain a verification form for the woman to sign and date to indicate that she received the packet at least 24 hours before the abortion. Before a physician performs an abortion, the amendment would have required that the physician first receive from the woman the verification form and obtain the woman's informed written consent. Both would be made part of the pregnant woman's medical record. This amendment would have required the Department of Human Services to prepare and distribute a pregnancy information packet containing specified information and a verification form for a pregnant woman to sign and give to the physician performing the abortion. The amendment included an appropriation and a fiscal note.

**LD 631 An Act to Increase Access to the Legislature and Government Services for Persons Who Are Deaf or Hard of Hearing and to Make Progress towards Compliance with the Americans with Disabilities Act**

PUBLIC 426

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TREAT BENOIT	OTP-AM	H-432 S-394 HANLEY