

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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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 & 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 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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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

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