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:
*Sen. S. Peter Mills
Sen. Joan M. Pendexter
Sen. Sean F. Faircloth

*Rep. Sharon Treat
Rep. William Lemke
Rep. Fred L. Richardson
Rep. Kyle W. Jones
Rep. Lloyd P. LaFountain III
Rep. Elizabeth Watson
Rep. Debra D. Plowman
Rep. Robert R. Hartnett
Rep. David R. Madore
Rep. Richard A. Nass
Rep. Frederick Moore III

*Denotes Chair

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:

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

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	OTP-AM	H-432	
BENOIT		S-394	HANLEY

SUMMARY

This bill would have required the State to hire two interpreters to work for state agencies and two interpreters to work for the Legislature to begin to satisfy mandates that require the State and the Legislature to be accessible to persons who are deaf or hard of hearing. The bill requires the hiring entities to involve the deaf and hard of hearing in the hiring process and the interviews. The bill requires reports from the Legislature and the state accessibility office on plans to achieve compliance with state and federal laws. The reports must include costs and necessary legislation. The bill assists the State and the Legislature in meeting the requirements of state and federal law, but does not in and of itself achieve or ensure compliance. The bill also brings up to date language in current law.

COMMITTEE AMENDMENT "A" (H-432) revises the proposal that the Legislature hire two full-time, year-round interpreters. Instead, the amendment would have required the Legislative Council to hire at least two session-only employees to serve as interpreters to provide interpretive services for official legislative business within the State House complex, including interpreting communications between Legislators and their constituents. It would have directed the Legislative Council to establish a priority ranking of the locations in which to have the large-area listening systems installed.

It clarifies that the Legislative Council is responsible for preparing and submitting a report on behalf of the Legislature, and the Office of Rehabilitation Services will prepare the report for the Executive Department, concerning the use of closed captioning, large-area listening systems, portable assistive listening systems and full audio wiring for hearing rooms.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-394) eliminates the requirements that the Legislature employ session-only interpreters and install large area listening services. It requires the Legislative Council to include in its report plans for the use of interpreting services for legislative business.

LD 632   **An Act to Reform the Child Custody Laws**   ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GWADOSKY	ONTP	

SUMMARY

This bill would have made several reforms concerning procedures and orders when the custody of a child is involved: requiring the court to require the parents to prepare a detailed plan indicating how the award of allocated or shared parental rights and responsibilities will be carried out; requiring the court to include in the final order a statement explaining why the court awarded parental rights and responsibilities as it did; requiring a parent who wants to relocate the child outside the state or to a place more than 250 miles from where the other parent resides in this state to give written notice to the court and the other parent before making the move; requiring the Department of Human Services to complete any investigations requested by the court within 60 days after receiving the request; requiring the appointment of a guardian ad litem in all contested custody cases; requiring the presiding judge to prepare a record of all proceedings in child custody and support matters. The Committee sent a letter to the Judicial Department urging progress on developing the capability to record all proceedings.

LD 633   **An Act to Require Parental Notification for Minors Seeking Abortions**   ONTP

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