

# 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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*\*Denotes Chair*



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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:

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

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

Currently, when a hospital is issued a subpoena for a medical record, the hospital may be required to produce the record immediately. This bill would have allowed the hospital 3 business days to produce the record for the party requesting it.

**LD 1092 Resolve, Directing the Attorney General's Office to Review the Current Definition and Judicial Interpretation of Harassment**ONTP  
EMERGENCY**SPONSOR(S)**  
HANLEY**COMMITTEE REPORT**  
ONTP**AMENDMENTS ADOPTED****SUMMARY**

This resolve would have required the Department of the Attorney General to review and analyze the harassment laws and judicial interpretations of harassment laws and make a report and recommendations to the Legislature and the Joint Standing Committee on Judiciary by December 15, 1995. The Department of the Attorney General would have solicited input from the Judicial Department. The Judiciary Committee has written a letter to the Chief Justice of the Maine Supreme Judicial Court asking that the Court undertake the review and analysis of the protection from harassment laws and report back to the Committee.

**LD 1125 An Act to Implement the Recommendations Resulting from the Study Concerning Parental Rights and Responsibilities When Domestic Abuse is Involved**

PUBLIC 405

**SPONSOR(S)****COMMITTEE REPORT**  
OTP-AM**AMENDMENTS ADOPTED**  
H-621**SUMMARY**

This bill implements changes to current domestic relations laws as suggested by the study group formed to examine the issues concerning parental rights and responsibilities in cases of domestic abuse. The study group was authorized by Resolve 1993, chapter 61.

COMMITTEE AMENDMENT "A" (H-621) makes several modifications to the original bill, including the following:

1. This amendment transfers the responsibility of developing standards for and then certifying batterers' intervention programs from the Maine Commission on Domestic Abuse to the Department of Public Safety. The Department of Public Safety will consult with the Maine Commission on Domestic Abuse in carrying out those activities.
2. This amendment revises the factors a court must consider in determining how to award parental rights and responsibilities. The safety and well-being of the child are to be given priority in making decisions about primary residence. The safety and well-being of a parent who is the victim of domestic abuse is part of the consideration of how the child is affected emotionally and how the child's safety is affected.
3. This amendment gives the court discretion to appoint a guardian ad litem in child custody cases in which domestic abuse is involved, rather than mandatory appointment as in the bill. It removes from the bill the requirement that the courts appoint guardians ad litem in all cases of special concern and fund

the appointments. It also revises the requirement that guardians ad litem be certified, as in the bill, to allow a court to appoint a person who is not certified but who the court determines is nonetheless appropriate to serve as guardian ad litem in that proceeding. This amendment removes from the bill the statutory language requiring the establishment of a program to train, certify, supervise and assign all guardians ad litem, including the court-appointed special advocates. In the interest of comity, this amendment requests that the Supreme Judicial Court develop a program by September, 1997, in cooperation with interested persons and organizations, including the organizations identified in Resolve 1993, chapter 61, to provide for the training, certification, supervision and assignment of guardians ad litem. The issue of providing and funding guardians ad litem for indigent parties must be examined. The Supreme Judicial Court may request staffing assistance from the Maine Coalition for Family Crisis Services. A report to the Legislature and the Joint Standing Committee on Judiciary is due January 15, 1997.

4. This amendment authorizes the court to provide a child with the opportunity to address the court personally if the child requests to do so or if the guardian ad litem believes it to be in the child's best interest.

5. This amendment retains the requirement that a guardian ad litem have face-to-face contact with the child, but deletes the requirement that the contact be in the child's home or foster home.

**LD 1138      An Act to Remove the Statute of Limitations in Cases of  
Sexual Abuse of a Minor**

ONTP

**SPONSOR(S)**  
CASSIDY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have eliminated the statute of limitations for civil actions based on sexual intercourse or sexual acts with minors under the age of 16 years.

**LD 1146      An Act to Prohibit the Practice of Scalping**

ONTP

**SPONSOR(S)**  
BUTLAND

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have made it unlawful to resell a ticket to a sporting event or other public entertainment at an inflated price, commonly known as "ticket scalping."

**LD 1158      An Act to Preserve the Life of Viable Fetuses**

ONTP

**SPONSOR(S)**  
MURPHY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required an abortion to be performed in a manner that is best calculated to preserve the life of the fetus and would have required that a second physician be present to provide all appropriate care to the fetus after birth. The bill was voted ONTP without a public hearing at the request of the sponsor.