

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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**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

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 ONTP
Sexual Abuse of a Minor

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| CASSIDY | ONTP | |

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) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| BUTLAND | ONTP | |

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) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| MURPHY | ONTP | |

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.