

# 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

**LD 1164** An Act to Clarify Recent Amendments to the Laws on  
Guardianship and Conservatorship

PUBLIC 203

**SPONSOR(S)**  
DONNELLY

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

In the Second Regular Session of the 116th Legislature, amendments were made to the law on guardianship and conservatorship. This bill makes technical changes to the recent amendments which would correct errors and inconsistencies and address problems in implementation of the law.

First, the bill adopts uniform terminology with respect to the appointment of counsel for proposed wards and protected persons. Second, the bill specifically allows for cross-examination of the guardian ad litem. Third, the bill streamlines notice requirements in temporary guardianship and conservatorship cases, dispensing with the requirement of published notice on parties whose whereabouts is unknown and allowing the court to waive notice on interested parties where good cause is shown. Fourth, the bill clarifies the petitioner's burden of proof at the expedited hearing regarding the temporary guardian or conservator. Fifth, the bill clarifies the duration of a temporary guardianship or conservatorship, to run 6 months from date of the ex parte appointment. Finally, the bill makes it clear that a petition for temporary conservatorship can be heard on interchange in cases in which the judge in a particular county is unavailable.

**LD 1168** An Act to Implement the Recommendations of the People with  
Disabilities Access Commission

PUBLIC 393

**SPONSOR(S)**

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-604

**SUMMARY**

This bill contains the statutory recommendations of the People with Disabilities Access Commission, established by Resolve 1993, chapter 73. The commission's report was submitted to the Joint Standing Committee on Judiciary on January 31, 1995.

The intent of this bill as amended is to harmonize the provisions of the federal Americans with Disabilities Act with those of the preexisting Maine Human Rights Act by adopting whichever provisions of either law provide more access for people with disabilities without otherwise creating or imposing new standards. The exception is in the case of elevators in which the Americans with Disabilities Act version, adopted in the Committee Amendment, provides less access because it does not require elevators for buildings under 3 stories while current Maine law does.

COMMITTEE AMENDMENT "A" (H-604) makes the following changes to the bill.

1. It deletes the separate definition of "disability-related discrimination" in section 2 of the bill because it is inaccurate. It amends the definition of "employee" to include individuals employed by their families for the purpose of disability-related discrimination.
2. It corrects format to make clear that "qualified individual with a disability" applies to public accommodations with regard to public entities only and to employment in all situations.
3. It adds a section on construction of the Maine Human Rights Act. It allows insurance practices with the Maine Insurance Code and the federal Employee Retirement Income Security Act.
4. It provides that the Maine Human Rights Act does not apply to the issuance, denial, suspension, revocation or restriction of driver's licenses by the Secretary of State until April 1, 1996.