

# 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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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 &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 1265**     **Resolve, to Allow the Attorney General to Enter into  
Consortiums with Other States for the Purpose of Bringing  
Suit Against the Federal Government Regarding the Issue  
of Unfunded Federal Mandates**

ONTP  
EMERGENCY

**SPONSOR(S)**  
HATHAWAY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This resolve would have authorized the Attorney General to enter into a consortium with other states for the purpose of bringing suit against the Federal Government regarding the issue of unfunded federal mandates.

**LD 1287**     **An Act to Amend the Probate Code Regarding Conservators**

PUBLIC 291

**SPONSOR(S)**  
MADORE

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-327

**SUMMARY**

This bill would have required that all conservators who reside out of State post a bond to cover losses of property or money resulting from the conservator's negligence or malfeasance.

This bill also requires that conservators obtain court authorization before removing assets from the State.

COMMITTEE AMENDMENT "A" (H-327) replaces the bill. It requires an individual or a corporation that is appointed as a conservator to inform the court about whether the person resides in this State or whether the corporation has offices located in this State. The conservator must notify the Probate Court when the residence or location of the conservator changes. This amendment maintains the court's discretion in requiring bonds of conservators, but the court will have an opportunity to require a bond after the conservator is appointed if the conservator moves or locates out of state. This amendment also requires that a conservator obtain Probate Court authorization before removing assets of the estate that are tangible property. Current law allows investment of funds without authorization of the court.

**LD 1292**     **An Act to Require That Grandparent Visitation Rights Be  
Included in Divorce Decrees**

ONTP

**SPONSOR(S)**  
CAMERON

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have required the court to award reasonable rights of visitation and contact with a minor child to any of the child's grandparents in the divorce decree.

**LD 1306**     **An Act to Amend the Laws Governing Civil Liability  
for Individual Medical Providers with Whom the  
Department of Corrections Contracts**

PUBLIC 248

**SPONSOR(S)**  
CLARK

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-294

**SUMMARY**

This bill allows the Department of Corrections to have the Maine Youth Center's physician and any other individual medical personnel with whom the department contracts to provide medical care at a departmental facility to be deemed an employee of a governmental entity for purposes of civil liability. This does not cover medical personnel providing medical care to clients, including prisoners, outside a departmental facility, nor does it cover medical personnel providing medical care within a facility as part of a contract with a prison health care agency, hospital or other group medical provider.

COMMITTEE AMENDMENT "A" (H-294) adds a fiscal note to the bill.

**LD 1307      An Act to Require that Fact-finding Hearings of the Maine Human Rights Commission be Recorded      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TREAT	ONTP	

**SUMMARY**

This bill would have required the Maine Human Rights Commission to make a record of all fact-finding hearings held by the commission.

**LD 1320      An Act to Amend the Law Pertaining to Grievance Procedures Concerning Discrimination on the Basis of Disability      PUBLIC 318**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
BUSTIN	OTP-AM	S-246

**SUMMARY**

This bill updates the grievance procedure concerning discrimination on the basis of disability by adding an applicable federal regulation.

COMMITTEE AMENDMENT "A" (S-246) replaces the bill. It repeals the duty of the Commissioner of Human Services to establish a grievance procedure concerning discrimination within State Government on the basis of disability. The Commissioner of Education currently is responsible for administering the Rehabilitation Act. This amendment adds to that responsibility the duty to establish, by rule, a grievance procedure to handle claims of discrimination based on disability. It contains the new references to the Code of Federal Regulations adopted since the Americans with Disabilities Act was enacted. The amendment also adds a fiscal note to the bill.

**LD 1321      An Act to Suppress the Release of Medical Records of Persons with Disabilities      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
BUSTIN	ONTP	

**SUMMARY**

This bill would have imposed a civil penalty of not more than \$500 on individuals who knowingly violate the confidentiality provisions regarding the medical records of persons with disabilities. The bill was voted ONTP without a public hearing at the request of the sponsor.