

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*

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Rep. Richard A. Nass
Rep. Frederick Moore III*

Staff:

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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

LD 1337**An Act Making Comprehensive Changes to the Child and Family Services and Child Protection Act**

ONTP

SPONSOR(S)

LANE

COMMITTEE REPORT

ONTP

MAJ

OTP-AM

MIN

AMENDMENTS ADOPTED**SUMMARY**

This bill would have made a number of changes to the Child and Family Services and Child Protection Act by amending the procedures by which the Department of Human Services may remove a child from a parent's custody. The bill would have required any mental health evaluation required by the department to be conducted by a professional chosen by the family and at the expense of the State. The bill also would have required certain professional persons making a report of abuse or neglect to provide clinical evidence that the abuse has occurred. The bill also would have amended the Maine Tort Claims Act.

COMMITTEE AMENDMENT "A" (H-595) is the Minority Report. It would have deleted several sections of the bill, and it contained an appropriation section.

LD 1358 An Act to Authorize the Formation of Limited Liability Partnerships

CARRIED OVER

SPONSOR(S)

HARRIMAN

DORE

COMMITTEE REPORT**AMENDMENTS ADOPTED****SUMMARY**

This bill proposes to allow the formation of limited liability partnerships under the Uniform Partnership Act. This bill also proposes to conform amendments to other chapters of the statutes and to clarify that the transfer of real property within a limited liability partnership is not a taxable event. The Judiciary Committee has requested that the Secretary of State work with interested parties to develop a new draft for the Second Regular Session.

LD 1359 An Act to Establish a New Prosecutorial District Consisting of Oxford County and Franklin County

ONTP

SPONSOR(S)

FERGUSON

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED**SUMMARY**

Under current law, prosecutorial District 3 consists of Androscoggin, Oxford and Franklin Counties. This bill would have changed Prosecutorial District 3 so that it consists of Androscoggin County only and would have created a new Prosecutorial District 9 covering Oxford and Franklin Counties. District attorneys would be elected to begin serving in the new districts in 1999.

LD 1360 An Act Concerning Judicial Endorsement for Persons Transported and Held for Evaluation and Treatment

PUBLIC 364

SPONSOR(S)

FAIRCLOTH

MILLS

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-261