

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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*

*\*Rep. Sharon Treat  
Rep. William Lemke  
Rep. Fred L. Richardson  
Rep. Kyle W. Jones  
Rep. Lloyd P. LaFountain III  
Rep. Elizabeth Watson  
Rep. Debra D. Plowman  
Rep. Robert R. Hartnett  
Rep. David R. Madore  
Rep. Richard A. Nass  
Rep. Frederick Moore III*

**Staff:**

*Margaret J. Reinsch, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*

*\*Denotes Chair*



**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333  
Telephone (207) 287-1670  
Telecopier (207) 287-1275

**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

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

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LANE	ONTP            MAJ	
	OTP-AM        MIN	

**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

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
HARRIMAN		
DORE		

**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

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

**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

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
FAIRCLOTH	OTP-AM	S-261
MILLS		