

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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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:

<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 1398

**Resolve, to Authorize the Joint Standing Committee
on Judiciary to Study and Make Recommendations Concerning
the Enactment of the Uniform Adoption Act**

ONTP
EMERGENCY

SPONSOR(S)
MILLS

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This resolve would have authorized the Joint Standing Committee on Judiciary to form a 4-member subcommittee to review the Uniform Adoption Act and report its findings and recommendations to the full Joint Standing Committee on Judiciary and the Legislature no later than November 1, 1995.

LD 1400 An Act to Amend the Adoption Laws

PUBLIC 412
EMERGENCY

SPONSOR(S)
MILLS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-350

SUMMARY

This bill makes several changes to the new adoption laws.

COMMITTEE AMENDMENT "A" (S-350) replaces the bill and incorporates certain proposals included in the bill, LD 629 and LD 1182. The following changes to the adoptions laws are included:

1. The definition of "birth parent" is amended to clarify that use of the term "parent" means the legal parent, which is not necessarily the birth parent.
2. The term "parent" is defined to include a guardian when no parent exists. A guardian is not authorized to execute a consent or a surrender and release if one or both parents are alive and retain their legal rights as parents.
3. The number of places where the petition for adoption may be filed is expanded to include the county in which the petitioners reside.
4. The chapter is made consistent concerning the transfer to the District Court of cases in which the adoption is not finalized within a specific period of time.
5. A reference is added to the Indian Child Welfare Act to state that the federal law applies as defined.
6. An application section is added to the chapter to cover the cases in which preliminary steps toward adoption were taken before the effective date of PL 1993, c. 686, but for which an adoption petition was not filed until after that date.
7. The provisions concerning notice to a putative father by publication is amended to cover situations in which the mother has already signed a consent or a surrender and release. It also requires that publication be made in accordance with the Maine Rules of Civil Procedure.
8. A putative father or the legal father who is not the biological father is given the opportunity to waive his right to notice of the proceedings by executing a document before a notary public or a judge. Once executed and filed with the Probate Court, the father or putative father will not be notified of further proceedings, and his consent is not required.