

STATE OF MAINE 117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES JOINT STANDING COMMITTEE ON JUDICIARY

AUGUST 1995

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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, <u>History and Final Disposition of Legislative Documents</u>, 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:

CARRIED OVER	Bill carried over to Second Session
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES	House & Senate disagree; bill died
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died
EMERGENCY	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT	Bill failed to get majority vote
FAILED MANDATE ENACTMENT	Bill imposing local mandate failed to get 2/3 vote
INDEF PP	Bill Indefinitely Postponed
ONTP	Ought Not to Pass report accepted
P&S XXX	Chapter # of enacted Private & Special Law
PUBLIC XXX	Chapter # of enacted Public Law
RESOLVE XXX	Chapter # of enacted Resolve
UNSIGNED	Not signed by Governor within 10 days
VETO SUSTAINED	Legislature failed to override Governor's Veto

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

22. The final adoption decree is no longer required to contain every name by which the adoptee was formerly known.

23. Completion of the adoption may be sent by regular mail, rather than certified mail, return receipt requested.

24. This amendment allows an attorney to continue to represent a party through an appeal until otherwise notified.

25. The records confidentiality provisions are clarified to reiterate that the records are confidential.

26. The reasons for annulment of an adoption are revised to remove "error" and to add "for other good cause shown consistent with the best interest of the child."

27. When an adoption is annulled, the Probate Court shall issue a certificate of annulment and send a certified copy to the Bureau of Vital Statistics.

28. This amendment is made an "emergency" to take effect immediately upon the Governor's signature.

29. An application section is added. This Act applies to all adoption petitions filed on or after the effective date of this Act with the following exception. The Probate Court Judge may apply the law effective on August 1, 1994, as enacted by PL 1993, chapter 686, to adoptions for which the petition is filed on or after the effective date of this Act, but one or more of the following has occurred under PL 1993, c. 686:

- A. The filing of a consent;
- B. The filing of a surrender and release;
- C. The filing of a waiver of notice by a father or putative father;
- D. The issuance of an order terminating parental rights.

The judge must make the decision of what law to apply by examining which law reduces delay in the adoption process for that particular adoption, consistent with the best interest of the child.

LD 1402 An Act to Promote Equity in Legal Advertising ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CHASE	ONTP	

SUMMARY

This bill would have amended the requirements for newspapers carrying legal notices and legal advertisements to remove the requirement that the newspaper be entered as 2nd class postal matter. The other requirements would be retained.

LD 1428 Resolve, Directing the Attorney General to Review Standards RESOLVE 29 for Reporting Suspected Sexual and Physical Abuse of Minors

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OTT	OTP-AM	H–385

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SUMMARY

This resolve directs the Attorney General to review existing requirements for reporting suspected sexual or physical abuse of minors.

COMMITTEE AMENDMENT "A" (H-385) adds a fiscal note.

LD 1433 An Act to Prevent Scalping of Entertainment Tickets ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GERRY	ONTP	
RAND		

SUMMARY

This bill would have made it unlawful to resell a ticket to a sporting event or other public entertainment at an inflated price, commonly known as "ticket scalping." It would have allowed reselling a ticket to agencies or individuals only if authorized by the place of entertainment.

LD 1439An Act to Provide for Alternative Dispute Resolution inPUBLIC 484Domestic Relations Matters and to Provide for theEMERGENCYRecodification and Revision of the Maine Revised Statutes,EMERGENCYTitle 19Comparison of the Maine Revised Statutes,

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
THOMPSON	OTP-AM	H–591

SUMMARY

This bill would have provided standards for the distribution of marital assets in a divorce. It allows a court to send domestic relations matters to an appointed referee, who will report back to the court.

This bill requires the Office of the Revisor of Statutes and the Office of Policy and Legal Analysis to prepare a bill for the Second Regular Session of the 117th Legislature recodifying the Maine Revised Statutes, Title 19. It also authorizes the Joint Standing Committee on Judiciary to report out during the Second Regular Session of the 117th Legislature a bill proposing substantive revisions to Title 19. The offices must invite the participation of interested organizations and agencies. The chairs of the Joint Standing Committee on Judiciary shall appoint a subcommittee, which may meet at the call of the chair of the subcommittee, to oversee the preparation of the legislation. A draft of the recodification must be submitted to the Joint Standing Committee on Judiciary no later than November 1, 1995.

COMMITTEE AMENDMENT "A" (H-591) removes the provision concerning distribution of marital assets, but retains the provisions concerning appointment of referees. The parties must pay for the referees unless the court determines one or both are indigent. This amendment revises the requirement that the Office of the Revisor of Statutes and the Office of Policy and Legal Analysis prepare a recodification of the Maine Revised Statutes, Title 19 by deleting the subcommittee oversight, and providing that the chairs of the Joint Standing Committee on Judiciary will oversee the process. This amendment adds a new section directing the Family Law Section of the Maine State Bar Association to review and make recommendations concerning the language and principles contained in Legislative Document 1468. The Family Law Section is to include the sponsors of the bills and interested parties to the extent practicable. The recommendations are due to the Joint Standing Committee on Judiciary by December 1, 1995. This amendment also adds a fiscal note to the bill.

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