

# 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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**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

- A. Matching financial records;
- B. Orders to seek employment;
- C. Orders to seize and sell property; and
- D. Orders to appear and disclose.

Senate Amendment "A" to Committee Amendment "A" (S-382) removes the appropriation and allocation sections; funding is provided in the current services budget (LD 706).

**LD 1517     An Act to Create the Sunshine in Litigation Act** CARRIED OVER

<b>SPONSOR(S)</b> MILLS	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

This bill proposes to aid consumers of the State in obtaining information necessary to protect public health and safety. This bill proposes to prohibit courts from entering orders or approving agreements that conceal public hazards.

**LD 1522     An Act to Amend the Laws Regarding Child Placing Agency Disclosure of a Child's Background for the Purpose of Adoption** PUBLIC 391

<b>SPONSOR(S)</b> ROWE	<b>COMMITTEE REPORT</b> OTP-AM     MAJ ONTP         MIN	<b>AMENDMENTS ADOPTED</b> H-596
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**SUMMARY**

This bill provides specific requirements for the collection and disclosure of pertinent information concerning a child to be placed for adoption.

COMMITTEE AMENDMENT "A" (H-596) is the Majority Report. It replaces the bill. Current law requires the Department of Human Services and licensed child placing agencies to obtain medical and genetic information on the birth parents and a child to be placed for adoption. This amendment retains that requirement, expands its application to any person who assists in placing a child for adoption and also requires the department, agencies and persons assisting in placing children for adoption to attempt to collect more information about the child and the birth parents. The information to be sought is spelled out specifically. The information collected must be disclosed to the prospective adoptive parents before the adoption is finalized.

If the collector of the information has specific, articulable reasons to question the truth or accuracy of the information, those concerns must be noted in writing and provided to the adoptive parents or prospective adoptive parents. If the information is not available because the records were not available or because the birth parents did not cooperate in providing information, that must be disclosed to the prospective adoptive parents as well.

The information collected must be filed with the Probate Court and made available to the prospective adoptive parents before the adoption is finalized.

International adoptions that comply with federal and international adoption laws are deemed to be in compliance with these requirements.

This amendment also adds a fiscal note to the bill.

**LD 1523      An Act Requiring that Certain Nonprofit Corporations Provide      PUBLIC 300**  
**for the Disposal of Assets**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
BENEDIKT	OTP-AM	H-430

**SUMMARY**

This bill requires that the bylaws of certain nonprofit corporations must include provisions for the disposal of assets upon dissolution.

COMMITTEE AMENDMENT "A" (H-430) limits this requirement to domestic corporations. The amendment also removes the requirement that the Secretary of State notify all existing nonprofit corporations of this requirement.

**LD 1525      An Act to Increase Access to Public Information      ONTP**

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

**SUMMARY**

This bill would have made the following changes to the laws governing access to public records.

The bill would have provide that only records and materials involved in academic testing and research and those otherwise made confidential by law may be kept confidential by the Maine Maritime Academy, the Maine Technical College System and the University of Maine System.

The bill would have provide for the timely inspection or recording of public information and the provision of electronic data in a readily usable form.

The bill would have repealed the requirement of advance payment for the mechanical or electronic translation of data and provides for the translation of electronic data without cost when that translation can be made without having to furnish any materials, equipment or services of personnel who are not state employees to the individual making the request.

The bill would have provided that any body, agency or official that wrongfully denies an individual access to public information would be required pay that individual's reasonable attorney's fees and court costs.

See also LD 702.

**LD 1526      An Act to Allow Involuntary Commitments at Hospitals      PUBLIC 496**  
**under Contract with the Department of Mental Health and**  
**Mental Retardation**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DORE	OTP-AM	H-563