

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JUNE 1996

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Staff:

Margaret J. Reinsch, Principal Analyst

Lisa Copenhaver, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
June 1996

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

The amendment would have required that when the Probate Court Judge appoints a limited guardian, the order appointing the guardian would have to specify the powers and the duties of the guardian and the parental rights and responsibilities retained by the parent of the minor.

The amendment proposed to assign the burden of proof when a parent wants to terminate a guardianship.

Enacted law summary

Public Law 1995, chapter 623 provides for the appointment of a guardian even when all parental rights of custody have not been terminated. Each parent who still retains parental rights and responsibilities must consent to a guardianship by consent; the need for consent from a parent whose parental rights and responsibilities have been terminated is eliminated. The term "natural parent" is replaced to encompass situations in which adoptive parents consent to the appointment of a guardian.

Chapter 623 requires that when the Probate Court Judge appoints a limited guardian, the order appointing the guardian must specify the powers and the duties of the guardian and the parental rights and responsibilities retained by the parent of the minor.

Chapter 623 clarifies that once a guardian has been appointed, termination of the guardianship can not occur until a review of the best interests of the child has occurred. The guardian has the burden of proving by a preponderance of the evidence that the termination of the guardianship is not in the best interest of the minor if a petition for termination is filed. If the court determines that the guardianship should not terminate, the court may dismiss subsequent petitions for termination unless there is a substantial change of circumstances.

LD 1787

An Act to Place Penobscot Land in Trust

PUBLIC 601

Sponsor(s)
BISULCA

Committee Report
OTP

Amendments Adopted
S-524

LD 1787 proposed to place in "trust status" land owned by the Penobscot Nation that was acquired by quit claim deeds from Herbert C. Haynes, Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation and located in Township 1, Range 6, W.E.L.S.

Senate Amendment "A" (S-524) proposed to clarify the description of the property to be transferred.

Enacted law summary

Public Law 1995, chapter 601 places in "trust status" land owned by the Penobscot Nation that was acquired by quit claim deeds from Herbert C. Haynes, Jr., Herbert C. Haynes, Inc. and Five Islands Land Corporation and located in Township 1, Range 6, W.E.L.S. This land is approximately 5,464 acres. Under the terms of the Act to Implement the Maine Indian Claims Settlement, the Maine Revised Statutes, Title 30, section 6205, subsection 5, this conversion needs the express consent of the Maine Legislature, the legislative body of the town and the Maine Indian Tribal-State Commission.