

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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Sen. Joan M. Pendexter

Sen. Sean F. Faircloth

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**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.

9. It clarifies language governing an employer's responsibility to notify the Department of Human Services when the employer is withholding pay from an employee pursuant to an order or assignment and the employee leaves. Current law requires an employer to report the termination to the Department of Human Services within 15 days if the pay was withheld pursuant to an income-withholding order, but within 30 days if the pay was withheld pursuant to an order to withhold and deliver or an assignment of earnings. This amendment maintains that dichotomy. It also makes consistent the information reported.
10. It gives the State Registrar of Vital Statistics the authority to file an action in District Court to have a marriage performed in violation of the statute declared void.
11. It amends the grounds and procedures for divorce by deleting "collusion" and specifies that the court may not grant a divorce to parties who seek a divorce for fraudulent purposes. It also combines provisions concerning the payment of attorneys fees.
12. It makes the provisions concerning protection from abuse, located in Title 19-A, chapter 101, consistent with the changes in LD 1758.
13. It states that rules adopted under Title 19 continue in effect until amended or repealed. It also states that the rule-making authority contained in the new Title 19-A is a continuation of existing rule-making authority in Title 19, and is not new rule-making authority delegated after January 1, 1996 for the purposes of the Maine Administrative Procedure Act concerning legislative review of rules.
14. It amends language to be gender neutral to clarify that either a husband or a wife may bring an action for loss of consortium.
15. It revises certain notice provisions in the adoption laws.
16. It creates a Part E listing the major policy changes in the bill as amended.

Parts B, C, D and E are effective October 1, 1997.

LD 1847

An Act to Amend the Freedom of Access Laws to Include Advisory Boards and Commissions in the Definition of Public Proceedings

PUBLIC 608

Sponsor(s)

BUTLAND
MITCHELL EH

Committee Report

OTP-AM

Amendments Adopted

S-529

LD 1847 proposed to add policy-influencing and fact-finding advisory boards and commissions to the definition of "public proceedings" in the freedom of access laws.

Committee Amendment "A" (S-529) proposed to replace the bill. It would have expanded the entities to which the freedom of access laws apply to include advisory organizations, including authorities, boards, commissions, committees, councils, task forces and similar organizations that are advisory in nature and that are created by law or resolve or by an Executive Order of the Governor. Under the amendment, the law, resolve or Executive Order may exempt the organization from the freedom of access laws by including a specific statement that the organization is exempt from the freedom of access laws. The meetings of all these organizations would have been subject to the public meeting and public notice requirements.

The amendment proposed an exemption from the definition of "public records" for the working papers and internal documents of an advisory organization.

Enacted law summary

Public Law 1995, chapter 608 expands the list of entities to which the freedom of access laws apply to include advisory organizations, including authorities, boards, commissions, committees, councils, task forces and similar organizations that are advisory in nature and that are created by law or resolve or by an Executive Order of the Governor. Any boards or commissions already subject to the freedom of access laws are not also covered by the new provisions. The law, resolve or Executive Order may exempt the organization from the freedom of access laws by including a specific statement that the organization is exempt. The meetings of all these organizations are subject to the public meeting and public notice requirements.

Chapter 608 creates a new exemption from the definition of "public records" for the working papers and internal documents of an advisory organization until the organization goes out of existence, at which time they become public records. Working papers become public records before the organization terminates if they are distributed by a member or in a public meeting of the advisory organization.

LD 1868 An Act to Prohibit the Photographing or Videotaping of Jury Deliberations DIED BETWEEN HOUSES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY JD	OTP-AM MAJ ONTP MIN	

LD 1868 proposed to prohibit the recording or viewing of jury deliberations by electronic means. A violation of the prohibition would have been a Class E crime.

Committee Amendment "A" (H-887) is the Majority Report. It proposed two changes to the bill. First, it would have eliminated the prohibition on viewing jury meetings and deliberations that are recorded or transmitted by electronic means. Second, it would have deleted the criminal penalty. (Not adopted)

The House of Representatives accepted the OTP-AM Majority Report, while the Senate accepted the Minority Report of ONTP. The bill died between houses when an agreement was not reached.