

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1997

MEMBERS:

Sen. Susan W. Longley, Chair

Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Elizabeth Watson

Rep. David Etnier

Rep. Joseph M. Jabar, Sr.

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Maine State Legislature

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

- CARRIED OVER.....Bill carried over to Second Regular 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 IN CONCURRENCE.....One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY.....Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....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
OTP ND.....Committee report Ought To Pass In New Draft
OTP ND/NT.....Committee report Ought To Pass In New Draft/New Title
P&S XXX.....Chapter # of enacted Private & Special Law
PUBLIC XXX.....Chapter # of enacted Public Law
RESOLVE XXX.....Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 212

An Act to Permit Filing for the Probate of an Estate for up to 10 Years Following Death

ONTP

Sponsor(s)
MILLS

Committee Report
ONTP

Amendments Adopted

LD 212 proposed to increase from three to 10 the number of years after a person's death during which probate proceedings may be commenced.

LD 235

An Act to Require the Courts to Accept Civil Orders of Arrest on Any Day Court is in Session

PUBLIC 17

Sponsor(s)
WHEELER E

Committee Report
OTP

Amendments Adopted

LD 235 proposed to change the civil order of arrest process and make it a Class E crime for a debtor who has been released on the debtor's personal recognizance to fail to appear for the scheduled disclosure or contempt hearing.

Enacted law summary

Public Law 1997, chapter 17 changes the civil order of arrest process so that a sheriff may arrest the individual named in the order and bring that person to court on any day the court is in session, rather than just the days designated by the court. It also makes it a Class E crime for a debtor to fail to appear for the scheduled disclosure or contempt hearing after being released on the debtor's personal recognizance.

LD 240

An Act to Terminate Spousal Support upon the Death of the Payee

PUBLIC 9

Sponsor(s)
JABAR

Committee Report
OTP

Amendments Adopted

LD 240 proposed to specify that the obligation to make alimony or spousal support payments ceases upon the death of the payee unless the court order awarding the alimony or spousal support provides otherwise.

Enacted law summary

Public Law 1997, chapter 9 amends the law to specifically state that, unless the court order provides otherwise, an obligation to make alimony or spousal support payments ceases upon the death of the payee.