

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**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.

Rep. Richard H. Mailhot

Rep. Judith A. Powers

Rep. Debra D. Plowman

Rep. David R. Madore

Rep. Richard A. Nass

Rep. G. Paul Waterhouse

Staff:

Margaret J. Reinsch, Principal Analyst

Lisa C. Copenhaver, Legislative Analyst

Thomas Eyman, 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 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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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 494

An Act to Change the Time for Appointment of a Visitor or Guardian Ad Litem after Appointment of a Temporary Conservator or Guardian

PUBLIC 35

Sponsor(s)
MILLS

Committee Report
OTP

Amendments Adopted

LD 494 proposed to require a court to appoint a visitor or guardian ad litem within two days of appointing a temporary guardian or temporary conservator, and to require contact and a report to the court.

Enacted law summary

Public Law 1997, chapter 35 requires a court to appoint a visitor or guardian ad litem within two days, excluding weekends and holidays, of appointing a temporary guardian or temporary conservator. Chapter 35 also requires the visitor or guardian ad litem to make a visit and report to the court within 10 days of that person's appointment.

LD 527

An Act to Strengthen the Mandatory Child Abuse Reporting Laws

PUBLIC 251

Sponsor(s)
O'BRIEN
BUTLAND

Committee Report
OTP-AM

Amendments Adopted
H-346

LD 527 proposed to expand the list of mandatory reporters of suspected child abuse to include commercial film and photographic print processors and clergy members in specific situations. It proposed a definition of "sexual abuse or exploitation" for the purposes of mandatory reporting by commercial film and photographic print processors.

Committee Amendment "A" (H-346) proposed to delete the new definition of "sexual abuse or exploitation" because it is not needed. It also proposed to exempt all confidential communications involving clergy from the mandatory child abuse reporting requirements.

Enacted law summary

Public Law 1997, chapter 527 includes commercial film and photographic print processors and clergy members as persons required to report suspected child abuse and neglect. Clergy are not required to report information gained through any confidential communications.

LD 533

An Act to Ensure Public Safety and Proper Allocation of Liability for Gas Pipelines

PUBLIC 222

Sponsor(s)
COWGER
TREAT

Committee Report
OTP-AM

Amendments Adopted
H-298

LD 533 proposed to restore the allocation of liability of natural gas providers for natural gas explosions or fires that existed prior to 1995. A natural gas company or natural gas pipeline company would be strictly liable for all deaths, personal injuries and property damage resulting from explosion or fire caused by the escape of natural gas from that portion of the storage or distribution system under its control. The bill proposed to reinstate the rebuttable presumption that the natural gas causing a fire or explosion escaped from that portion of the system under the company's control. The burden would be on the company to prove that the gas did not escape from that portion of the system under its control. Damages for which the company is liable could be reduced by proving to the court or jury that there was another cause for or source of the escape of the natural gas if the factfinder were to determine it to be just and equitable.

Committee Amendment "A" (H-298) proposed to replace the bill and clarify the application of the current law establishing the standard of liability for natural gas companies and natural gas pipeline companies.

Enacted law summary

Public Law 1997, chapter 222 clarified that natural gas transmission companies, whether intrastate or interstate, that transport natural gas in the State but do not necessarily store or distribute gas, have the same liability as other natural gas companies.

LD 535

An Act to Ban Partial Birth Abortions

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP A OTP-AM B OTP-AM C	

LD 535 is modeled on the Partial-Birth Abortion Ban Act of 1995 passed by Congress and vetoed by President Clinton in 1996 (H.R. 1833). It proposed to prohibit partial-birth abortions except when such an abortion is necessary to save the life of the mother and no other medical procedure would suffice for that purpose. It proposed to make performance of a partial-birth abortion a Class C crime. In addition, the person performing the abortion would be subject to damages in a civil suit, although the mother could not be prosecuted.

Committee Amendment "A" (H-163) (Minority Report) proposed to replace the bill. It proposed to amend the definition of "abortion" to specifically state that it includes partial birth abortion in order to make it clear that the state policy concerning post-viability abortions, prohibited except when the abortion is necessary to protect the life or health of the mother, would have applied to partial birth abortions. It also proposed to amend the policy statement to clarify that the use of the dilation and evacuation method of abortion after viability would be restricted to only those situations in which the abortion is necessary to preserve the life or health of the mother. (Not adopted.)

Committee Amendment "B" (H-164) (Minority Report) proposed to add a fiscal note to the bill. (Not adopted.)

House Amendment "A" to Committee Amendment "A" (H-181) proposed to prohibit partial-birth abortions except when necessary to save the life of the mother and further proposed to require that all partial-birth abortions be performed in a hospital or ambulatory surgical facility. (Not adopted.)