

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

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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:

<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 717

An Act to Expand the Methods of Service of Disclosure Subpoenas

PUBLIC 21

Sponsor(s)
FISK

Committee Report
OTP

Amendments Adopted

LD 717 proposed to expand the methods available to serve disclosure subpoenas on individuals to include all the methods available under Rule 4 of the Maine Rules of Civil Procedure.

Enacted law summary
Public Law 1997, chapter 21 expands the methods available to serve disclosure subpoenas on individuals to include all the methods available under Rule 4 of the Maine Rules of Civil Procedure.

LD 718

An Act to Open to Public Scrutiny the Workings of the Maine Legislature

ONTP

Sponsor(s)
BROOKS

Committee Report
ONTP

Amendments Adopted

LD 718 proposed to repeal the exception from the Freedom of Access law’s definition of “public record” legislative papers and reports until signed and publicly distributed and records, working papers, drafts and memoranda used to prepare proposed Senate or House papers.

LD 730

An Act to Limit Adverse Possession

ONTP

Sponsor(s)
SKOGLUND

Committee Report
ONTP

Amendments Adopted

LD 730 proposed to limit adverse possession as a method by which to gain title to property by allowing it only when necessary to gain access to landlocked property.

LD 732

An Act to Amend the Maine Criminal Code to Include the Loss of a Pregnancy

INDEF PP

Sponsor(s)
KASPRZAK
CAREY

Committee Report
OTP-AM MAJ
OTP-AM MIN

Amendments Adopted
H-604

LD 732 proposed to create new crimes against unborn children, roughly equivalent to murder, voluntary manslaughter, assault and aggravated assault. The crimes would not apply to the pregnant woman, to an abortion

to which the pregnant woman has consented, or to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment.

Committee Amendment "A" (H-604) (Majority Report) proposed to replace the bill by amending the Criminal Code in two ways. First, the crime of aggravated assault would have been expanded to specifically include bodily injury to a pregnant woman when the result is loss of or injury to the pregnancy. Second, the general sentencing provisions would have been expanded to include consideration of the fact that the victim was pregnant at the time of the crime.

Committee Amendment "B" (H-605) (Minority Report) proposed to make minor changes to the bill to clarify the medical practice exception to the new crimes.

LD 738 An Act to Allow Child Support for Juveniles Committed to the PUBLIC 339
Maine Youth Center

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON LONGLEY	OTP-AM	H-467

LD 738 proposed to authorize the courts to order parents to make reasonable support payments for juveniles committed to the Department of Corrections.

Committee Amendment "A" (H-467) proposed technical changes to the bill.

Enacted law summary

Public Law 1997, chapter 339 authorizes courts to order parents to make reasonable support payments for juveniles committed to the Maine Youth Center.

LD 739 An Act to Amend the Maine Tort Claims Act to Specifically Include ONTP
Members of the Maine State Retirement System Medical Boards
and Other Designated Physicians in the Definition of Employee

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH CATHCART	ONTP MAJ OTP MIN	

LD 739 proposed to extend coverage under the Maine Tort Claims Act to the members of the retirement system's medical boards and its other board-designated physicians, when serving in these capacities.