

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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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 1053

**An Act to Implement the Recommendations of the Family Law
Advisory Commission Concerning Parental Rights and
Responsibilities**

PUBLIC 187

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1053 was submitted by the Family Law Advisory Commission pursuant to Public Law 1995, chapter 694. It proposed to implement the recommended statutory changes contained in the commission's report to the Joint Standing Committee on Judiciary.

Enacted law summary

Public Law 1997, chapter 187 implements the legislative recommendations of the Family Law Advisory Commission. Chapter 187 clarifies the definition of shared parental rights and responsibilities, recognizes that primary residential care of the child may be shared or allocated, allows the court to consider evidence of willful misuse of the protection from abuse process, incorporates the best interest of the child standard into orders issued under the protection from abuse process, and clarifies that orders concerning parental rights and responsibilities issued under the protection from abuse process do not have res judicata effect in separate proceedings.

LD 1057

**An Act to Amend the Laws Regarding Wrongful Death and
Recoveries for Wrongful Death**

CARRIED OVER

Sponsor(s)
MILLS

Committee Report

Amendments Adopted

LD 1057 proposes to rewrite the wrongful death statute to make the law more understandable. This bill has been carried over to the Second Regular Session.

LD 1062

**An Act to Implement the Recommendations of the Judicial
Compensation Commission**

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

LD 1062 proposed to implement the recommendations of the Judicial Compensation Commission established by the Maine Revised Statutes, Title 4, chapter 35. The bill proposed to increase the direct compensation for the State's judges and justices, equalize the salaries of District Court Judges and Superior Court Justices, increase the per diem rate for Active Retired Judges and improve the retirement benefit under the Maine Judicial Retirement System. The bill proposed to remove the provision repealing the Judicial Compensation Commission in 1999.

After the Judiciary Committee reported out the bill, the House and Senate recommitted the bill to the Joint Standing Committee on Appropriations and Financial Affairs. This bill has been carried over to the Second Regular Session by the Joint Standing Committee on Appropriations and Financial Affairs.

Committee Amendment "A" (S-286) (Majority Report) proposed to increase judicial salaries, but at a lower rate than proposed in the bill. It also proposed to revise the retirement benefits to include a “blended cap.”

LD 1064 **An Act to Require that Reasonable Notice Be Given to the Defendant When a Protection from Abuse or Harassment Proceeding Is Started while Other Litigation is Pending between the Parties** **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1064 proposed to require that reasonable notice be given to a defendant when a person starts a protection from abuse or harassment proceeding while other litigation is pending between the parties as governed by the Maine Rules of Civil Procedure, Rule 65(a).

LD 1081 **An Act to Clarify the Adoption Laws** **ONTP**

<u>Sponsor(s)</u> MITCHELL J	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1081 proposed to prohibit an unmarried biological parent from adopting his or her minor child. This change in law will avoid the situation presented in *Department of Human Services v. Sabattus*, 683 A.2d 170 (Me. 1996), in which an unmarried mother adopted her biological child and the biological father was found to have lost the rights of a parent but not the responsibilities.

LD 1088 **An Act to Clarify the Interpretation of Property Descriptions** **ONTP**

<u>Sponsor(s)</u> BIGL	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1088 proposed to provide, with two exceptions, that numerical distances set forth in a deed description of property boundaries govern over nonnumerical directions. The bill proposed to enact law contrary to that set forth in Taylor v. Hanson, 541 A.2d 155 (Me. 1988) and Snyder v. Haagen, 679 A.2d 510 (Me. 1996).