

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:

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Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Elizabeth Watson

Rep. David Etnier

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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 1272

An Act to Ensure Enforcement of Protection from Abuse Laws

PUBLIC 194

Sponsor(s)
LONGLEY

Committee Report
OTP

Amendments Adopted

LD 1272 proposed to require the Maine Criminal Justice Information System Policy Board to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996).

Enacted law summary

Public Law 1997, chapter 194 requires the Maine Criminal Justice Information System Policy Board to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 1st of each year concerning the methods devised to keep accurate, updated records of misdemeanor crimes of domestic violence, to ensure enforcement of 18 United States Code, Section 922 (1996).

LD 1283

An Act to Restrict Parental Rights of Convicted Sex Offenders

PUBLIC 363

Sponsor(s)
BAKER J
FERGUSON

Committee Report
OTP-AM

Amendments Adopted
H-465

LD 1283 proposed to require the court to terminate the parental rights of a person convicted of certain sexual offenses involving a minor.

Committee Amendment "A" (H-465) proposed to replace the bill by providing for the termination of parental rights and responsibilities of a parent when a parent is convicted of a crime involving sexual intercourse that resulted in the conception of the child.

Enacted law summary

Public Law 1997, chapter 363 creates a process under which the parental rights of a parent may be terminated if that parent is convicted of a crime involving sexual intercourse that resulted in the conception of the child.

LD 1296

An Act to Amend the Maine Probate Code to Eliminate Interest on Claims of Creditors of Insolvent Estates

PUBLIC 202

Sponsor(s)
MURRAY

Committee Report
OTP-AM

Amendments Adopted
S-150

LD 1296 proposed to amend the Probate Code to eliminate interest on claims of creditors of insolvent estates to reduce complications.

Committee Amendment "A" (S-150) proposed to clarify the rate of interest and the effective date.

Enacted law summary

Public Law 1997, chapter 202 amends the Probate Code to eliminate interest on claims of creditors of insolvent estates, and permits interest to accrue on claims presented to an insolvent estate that are secured by property worth more than the claim. It clarifies the rate of interest. It also makes the bill applicable only to estates where the decedent dies on or after October 1, 1997.

LD 1322 An Act to Strengthen the Laws Governing Nonpayment of Child Support ONTP

<u>Sponsor(s)</u> CAMPBELL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1322 proposed that, for purposes of suspension of a motor vehicle operator's license or permit for failure to pay child support, if the support obligor's license or permit has been suspended for nonpayment of support within the previous 12 months, the support obligor must have made full payments within the previous 30 days to be considered in compliance. The bill also proposed to provide that after the fourth suspension of a support obligor's license or permit, the license or permit may not be reinstated for one year.

See also LD 1834.

LD 1328 An Act to Enact the Uniform Transfer on Death Security Registration Act CARRIED OVER

<u>Sponsor(s)</u> NASS LIBBY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1328 proposes to establish the Uniform Transfer on Death Security Registration Act. This bill has been carried over to the Second Regular Session.

LD 1372 An Act to Unify the Court System CARRIED OVER

<u>Sponsor(s)</u> JABAR		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1372 proposes to unify the trial courts in this State into one trial court, called the Superior Court, effective January 1, 2000. This bill has been carried over to the Second Regular Session.