

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

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Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

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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 1409

An Act to Require Mandatory Testing for Blood-borne Pathogens of Persons Who Are the Source of a Bona Fide Occupational Exposure

PUBLIC 368

Sponsor(s)
LEMKE

Committee Report
OTP-AM

Amendments Adopted
H-532

LD 1409 proposed to require a person who assaults a law enforcement officer while the officer is acting in the course of duty and commingles that person's and the law enforcement officer's blood or body fluids to be tested for communicable diseases, including hepatitis and HIV.

Committee Amendment "A" (H-532) proposed to replace the original bill. It proposed to institute a judicial procedure by which a person, including a law enforcement officer, experiencing a bona fide occupational exposure may petition the court to order the person who was the source of the exposure to submit to a blood-borne pathogen test to detect diseases such as hepatitis and to order that the test results be released to the petitioner.

Enacted law summary

Public Law 1997, chapter 368 institutes a judicial procedure by which any person experiencing a bona fide occupational exposure may petition the court to order the person who was the source of the exposure to submit to a blood-borne pathogen test to detect diseases such as hepatitis and to order that the test results be released to the petitioner.

LD 1412

An Act to Reinstate Municipal Courts for Specific Traffic Infractions

ONTP

Sponsor(s)
LEMKE

Committee Report
ONTP

Amendments Adopted

LD 1412 proposed to authorize one or more municipalities to establish a Municipal Court to handle traffic infractions established by municipal ordinance.

LD 1420

An Act to Amend the Uniform Management of Institutional Funds Act

PUBLIC 302

Sponsor(s)
AMERO

Committee Report
OTP

Amendments Adopted

LD 1420 proposed to amend the Uniform Management of Institutional Funds Act by considering appreciation on investments of endowment funds a donor restricted asset.

Enacted law summary

Public Law 1997, chapter 302 amends the Uniform Management of Institutional Funds Act by considering appreciation on investments of endowment funds a donor restricted asset.

LD 1428 **An Act to Amend the Child Support Laws Concerning Notice to Co-owners of Property Subject to Support Liens** **PUBLIC 407**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT SAMSON	OTP-AM	S-294 S-307 MURRAY

LD 1428 proposed to require the Department of Human Services to provide notice and an opportunity to be heard to co-owners of property in which a responsible parent has an ownership interest that may be subject to the department's broad collection authority. It also proposed to prohibit collection of a support debt based on public assistance payments from a reunited family whose family income is below the federal poverty guidelines. If the family income is above the federal poverty guidelines, income withholding would have been limited to no more than 20% of the income above the guidelines, unless the responsible parent agrees to greater withholding.

Committee Amendment "A" (S-294) proposed to delete from the bill provisions on collecting child support debts from reunited families and provisions on providing notice to co-owners of property when the Department of Human Services places a child support lien against property. It proposed to require the department to provide notice to co-owners before a foreclosure or other disposition of property that is the subject of an enforcement action. The co-owners must be provided with an opportunity for a hearing to determine the value of their interest before the property is sold.

Senate Amendment "A" to Committee Amendment "A" (S-307) proposed to correct terminology in the effective date.

Enacted law summary

Public Law 1997, chapter 407 requires the department to provide notice to co-owners before a foreclosure or other disposition of property that is the subject of an enforcement action. The co-owners must be provided with an opportunity for a hearing to determine the value of their interest before the property is sold.

LD 1443 **Resolve, Directing the Family Law Advisory Commission to Review Proposals Concerning the Use of Ethical Decision-making in Family Law Cases** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MURPHY	ONTP	

LD 1443, a resolve, proposed to require the Family Law Advisory Commission to review ethical decision-making models and determine whether the application of any of the models would be beneficial in family law.