

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

Rep. David Etnier

Rep. Joseph M. Jabar, Sr.

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Rep. G. Paul Waterhouse

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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 1487

An Act to Authorize Clerks to Sign Notices of Certain Court Actions

PUBLIC 135

Sponsor(s)
NASS

Committee Report
OTP

Amendments Adopted

LD 1487 proposed to authorize court clerks to sign the notice to appear that is sent to a person who has not paid the ordered fine, counsel fees or restitution, before a court hearing investigating the nonpayment. It also proposed to clarify the Maine Criminal Code, authorizing the clerk of the court to sign the notice to appear in court for nonpayment of fines.

Enacted law summary

Public Law 1997, chapter 135 authorizes court clerks to sign the notice to appear that is sent to a person who has not paid the ordered fine, counsel fees or restitution, before a court hearing investigating the nonpayment. It also clarifies the Maine Criminal Code, by authorizing the clerk of the court to sign the notice to appear in court for nonpayment of fines.

LD 1490

An Act Allowing Appellate Review by an Aggrieved Contemnor

PUBLIC 317

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 1490 proposed to amend current law to clarify the matter of bail in contempt proceedings involving punitive sanctions under the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66 and material witnesses.

Enacted law summary

Public Law 1997, chapter 317 amends current law to clarify the matter of bail in contempt proceedings involving punitive sanctions under the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66 and material witnesses.

LD 1502

An Act to Enable Victims to Benefit from the Profits from Crimes

PUBLIC 320

Sponsor(s)
CLUKEY

Committee Report
OTP

Amendments Adopted

LD 1502 proposed to allow victims of a crime three years from the discovery or reasonable discovery of profits from the crime to bring a civil action for damages against the criminal. It also proposed to require any person or organization paying or agreeing to pay those profits to make reasonable efforts to notify the victims of the profits.

Enacted law summary

Public Law 1997, chapter 320, modeled after so-called "son of Sam" legislation in other states, allows victims of a crime three years from the discovery or reasonable discovery of profits from the crime to bring a civil action for damages against the criminal. It also requires any person or organization paying or agreeing to pay those profits to make reasonable efforts to notify the victims of the profits.

LD 1508 An Act Concerning Service of Process by the Department of Human Services ONTP

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

LD 1508 proposed to require the Department of Human Services to ensure that in serving process in an action, the papers, if being served at an individual's workplace, are given to the individual and not left with another person at the workplace.

LD 1510 An Act to Enforce Payment of Spousal Support ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL J DAGGETT	ONTP	

LD 1510 proposed to provide that a person who is in default on a spousal support order is subject to the same enforcement provisions that apply to default on child support obligations regarding professional license revocation.

LD 1511 An Act to Prohibit Lawsuits Based on Disclosure of the HIV or AIDS Status of Health Care Practitioners ONTP

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

LD 1511 proposed to provide immunity from civil liability for emotional distress caused by the disclosure or the failure to disclose that a health care practitioner was infected with HIV or had AIDS. The immunity from civil liability would have applied to all persons who provide health care services under Maine laws and the estates of all such persons.