

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS PINGREE	ONTP MAJ OTP-AM MIN	

LD 1614 proposed to revise the Freedom of Access Law governing executive sessions to require the motion for an executive session to include the specific statutory basis for the session, and to revise the subject matter for which executive sessions are authorized. It also proposed to revise the public meeting notice requirements and requirements for minutes of public meetings and executive sessions.

Committee Amendment "A" (H-607) (Minority Report) proposed to require the board or agency going into executive session to state the specific statutory reference supporting the executive session if asked to do so. It also proposed to retain the current notice requirements and to revise the meeting records proposals. (Not adopted.)

House Amendment "A" to Committee Amendment "A" (H-671) proposed to eliminate the release of executive session meeting records, to eliminate meeting records of emergency meetings and to eliminate changes to the authorized reasons for executive sessions. (Not adopted.)

Senate Amendment "A" to Committee Amendment "A" (S-335) proposed to eliminate the release of executive session meeting records, to eliminate meeting records of emergency meetings and to eliminate changes to the authorized reasons for executive sessions. (Not adopted.)

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

LD 1636 proposes to replace the mandatory prelitigation screening panel process for medical malpractice panels with a mandatory mediation process that must be completed within 90 days of filing a claim unless the court extends the time for good cause. Expenses of mediation would be borne equally by both plaintiffs and defendants. The statute of limitations would be suspended during mediation. Discovery would be limited to medical records and experts. Confidentiality is provided for the claim during mediation and if a settlement is reached. This bill has been carried over to the Second Regular Session.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY	OTP-AM	S-259

LD 1639 proposed to make several technical changes and to clarify the laws governing business entities concerning signatures, attested copies, addresses of principal offices, fees and availability of names.

Committee Amendment "A" (S-259) proposed to clarify language concerning the use of marks, trade names and corporate names.

Enacted law summary

Public Law 1997, chapter 376 makes several technical changes and clarifies the laws governing business entities.

LD 1669

**An Act Regarding the Relocation of a Child by a Parent Having
Primary Physical Custody**

PUBLIC 403

Sponsor(s)
PLOWMAN

Committee Report
OTP-AM

Amendments Adopted
H-589

LD 1669 proposed to make any change in residence of a child a substantial change in circumstances under the domestic relations law pertaining to court-ordered parental rights and responsibilities. The bill proposed to require a parent seeking to relocate a child to petition the court for permission to proceed with the relocation. It proposed that if the court permits the relocation, the parent relocating the child must pay transportation costs for maintaining court-ordered contact between the child and the other parent.

Committee Amendment "A" (H-589) proposed that orders governing parental rights and responsibilities include a provision giving prior notice to one parent of the other parent's intended relocation of the child. Notice to the other parent would be required for any change of residence, except when giving the notice would result in danger to the parent or child. It proposed that relocation of the child to a location that will disrupt the parent-child contact between the child and the parent who is not moving gives the parent standing to petition the court for a modification of the order. It proposed that a relocation of 60 miles from the current residence or from the parent who is not relocating is presumed to disrupt the parent-child contact. In addition, the amendment proposed that receipt of notice that the other parent intends to relocate the child also gives a parent standing to petition the court for a modification.

Enacted law summary

Public Law 1997, chapter 403 provides guidance on the effect of relocation of child by a parent when the parents have been awarded allocated or shared parental rights and responsibilities. The order awarding parental rights and responsibilities must state that the other parent must be notified when a parent intends to relocate the child. The relocation or intended relocation of the child to a location that will disrupt the parent-child contact between the child and the parent who is not moving gives the parent standing to petition the court for a modification of the order. A relocation of 60 miles from the current residence or from the parent who is not relocating is presumed to disrupt the parent-child contact. In addition, the receipt of notice that the other parent intends to relocate the child also gives a parent standing to petition the court for a modification.