

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

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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

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.