

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1998

**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*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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](http://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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

Two Committees of Conference failed to agree.

**LD 1978**                      **An Act to Extend Legal Counsel in Child Protection Cases**                      **ONTP**

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

LD 1978 proposed to extend the appointment of counsel to represent an indigent parent or custodian in child protection proceedings to areas of divorce and actions for parental rights and responsibilities.

**LD 1988**                      **An Act to Amend the Laws Governing Liability Associated with Juvenile Offenders Who Participate in Community Service Programs**                      **PUBLIC 619**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIEH PINGREE	OTP-AM	H-863

LD 1988 proposed to provide coverage under the Maine Tort Claims Act for juveniles performing community service or restitution.

**Committee Amendment "A" (H-863)** proposed to replace the bill. It proposed to eliminate reference to the Maine Tort Claims Act and limit the liability of charitable organizations for claims arising from death or injury to a person or damage to property caused by a juvenile participating in a community service program. The amendment proposed to define "charitable organization" and clarify that juveniles participating in community service programs would not be covered by the Workers' Compensation Act.

***Enacted law summary***

Public Law 1997, chapter 619 limits the liability of charitable organizations for claims arising from death or injury to a person or damage to property caused by a juvenile participating in a community service program. Juveniles participating in community service programs are not covered under the Workers' Compensation Act.

**LD 2036**                      **An Act to Amend the Act to Implement the Maine Indian Claims Settlement**                      **PUBLIC 595**

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

LD 2036 proposed to amend the Act to Implement the Maine Indian Claims Settlement by defining the jurisdiction of the Penobscot Nation over certain crimes committed on their reservation. An omission of legislative language in Public Law 1995, chapter 388 created the need to restore the original intent of Public Law 1991, chapter 766.

***Enacted law summary***

Public Law 1997, chapter 595 amends the Act to Implement the Maine Indian Claims Settlement by extending the jurisdiction of the tribal court of the Penobscot Nation over victimless crimes committed on the reservation. The law is effective upon ratification by the Penobscot Nation.

**LD 2058**                      **An Act to Ensure That Lump-sum Workers' Compensation Settlements Are Credited to Child Support Obligations**                      **PUBLIC 654 EMERGENCY**

<u>Sponsor(s)</u> BRAGDON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-864
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LD 2058 proposed to ensure that child support obligations are met by applying a lump-sum settlement from a workers' compensation claim to any outstanding child support obligation.

**Committee Amendment "A" (H-864)** proposed to replace the bill. It proposed to require the sharing of information between the Department of Human Services and the Workers' Compensation Board to ensure DHS notification when a lump sum workers' compensation settlement is pending and the recipient is a child support obligor with accrued child support debts.

***Enacted law summary***

Public Law 1997, chapter 654 requires the sharing of information between the Department of Human Services and the Workers' Compensation Board to ensure that DHS is notified when a lump sum workers' compensation settlement is pending and the recipient is a child support obligor with accrued child support debts. Chapter 654 is effective April 1, 1998.

**LD 2067**                      **An Act to Prevent Employment Discrimination Due to Medical History**                      **ONTP**

<u>Sponsor(s)</u> LAWRENCE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2067 proposed to prohibit employment discrimination on the basis of the applicant's or employee's medical history or the medical history of an applicant's or employee's dependent unless the applicant or employee is unable to meet job-related standards or is unable to perform the job without endangering the health or safety of that individual or others.

**LD 2079**                      **An Act to Clarify the Role of Design Professionals under the Maine Human Rights Act**                      **PUBLIC 630**

<u>Sponsor(s)</u> JABAR		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-855
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