

# 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.

***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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LD 2079 proposed to resolve a conflict between a definition in the Maine Human Rights Act and professional licensing laws of the Maine Revised Statutes, Title 32. The bill proposed to add certified interior designers and landscape architects who are registered and regulated pursuant to Title 32 to the definition of "design professional" in the public accommodations provisions of the Maine Human Rights Act in order to increase the number of professionals available to review and approve plans for building renovations for compliance with the Maine Human Rights Act and the federal Americans with Disabilities Act.

**Committee Amendment "A" (H-855)** proposed to replace the bill. It proposed to delete the definition of "design professional" and replace the term in the text of the statute with a listing of the specific professions of architect, professional engineer, certified interior designer and landscape architect as appropriate. The amendment proposed that each of these professionals must be licensed, certified or registered under the Maine Revised Statutes, Title 32 and practicing within the scope of that individual's profession in order to certify that a plan is in compliance with accessibility requirements. The amendment proposed to clarify that services of an architect or professional engineer would still be required for all mandatory plan review.

***Enacted law summary***

Public Law 1997, chapter 630 amends the Maine Human Rights Act to make voluntary plan review for accessibility requirements easier by allowing the reviews to be done by additional categories of design professionals. It removes the definition of "design professional" and replaces the term in the text of the statute with a listing of the specific professions of architect, professional engineer, certified interior designer and landscape architect as appropriate. Each of these professionals must be licensed, certified or registered under the Maine Revised Statutes, Title 32 and practicing within the scope of that individual's profession in order to certify that a plan is in compliance with accessibility requirements. The services of an architect or professional engineer are still required for all mandatory plan review.

**LD 2081**                      **An Act to Amend the Charter of the State Young Men's Christian Association of Maine**                      **ONTP**

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

LD 2081 proposed to amend the law under which the State Young Men's Christian Association of Maine was formed to allow the organization to change its name, to add to the law the organization's mission statement and to repeal the provision limiting its assets to \$500,000 in value. The YMCA of Maine may undertake those changes without legislative action.

**LD 2090**                      **An Act to Protect Victims of Domestic Abuse from Eviction**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M KILKELLY	ONTP	