

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Rep. Joseph M. Jabar, Sr.

Rep. Richard H. Mailhot

Rep. Judith A. Powers

Rep. Debra D. Plowman

Rep. David R. Madore

Rep. Richard A. Nass

Rep. G. Paul Waterhouse

Staff:

Margaret J. Reinsch, Principal Analyst

Heather Henderson, Legislative Analyst

Office of Policy and Legal Analysis

Room 101/107/135, 13 State House Station

Augusta, ME 04333

(207)287-1670



**Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

**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).

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.

LD 2090 proposed to prohibit the eviction of a tenant due solely to the fact that the person is or may become a victim of domestic abuse. The bill also proposed to give victims of domestic abuse access to the Victims' Compensation Fund, on a loan basis, to be used by those victims to avoid eviction due to economic circumstances.

LD 2097 **An Act to Simplify Corporate Filings** **PUBLIC 633**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-854
-------------------------------	--	-----------------------------------	--	------------------------------------

LD 2097 proposed changes concerning the use of a mark by a corporation, limited partnership, limited liability company or limited liability partnership, the required fee for changing the name or address of a contact partner, the minimum number of members to create a limited liability company and statements of authority for limited liability companies.

Committee Amendment "A" (H-854) proposed to remove a section from the bill concerning the assignment of marks.

Enacted law summary

Public Law 1997, chapter 633 revises the laws concerning business entities in several ways. It allows the use of certain marks by a corporation, limited partnership, limited liability company or limited liability partnership; it establishes different fees for changing the name or address of a contact partner of a limited liability partnership; it clarifies the minimum number of members required to create a limited liability company; and it repeals the requirement of statements of authority for limited liability companies.

LD 2132 **An Act to Repeal the Sunsets on Certain Child Support Enforcement Remedies** **PUBLIC 669
EMERGENCY**

<u>Sponsor(s)</u> NASS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-865 H-916 THOMPSON
---------------------------	--	-----------------------------------	--	--

LD 2132 proposed to repeal the sunset provisions on several child support collection provisions.

Committee Amendment "A" (H-865) proposed to incorporate all changes necessary to comply with the Uniform Interstate Family Support Act, as mandated in 42 United States Code, Section 666(f). The amendment also proposed to add an emergency to the bill because of federally imposed deadlines.

House Amendment "A" to Committee Amendment "A" (H-916) proposed to change the time period within which payors must send withheld income to the Department of Human Services to be consistent with the rest of the bill and the Committee Amendment.

Enacted law summary

Public Law 1997, chapter 669 repeals sunsets on several child support enforcement provisions. It also incorporates all changes necessary to comply with the Uniform Interstate Family Support Act, as mandated in 42 United States Code, Section 666(f).

LD 2168 **An Act to Encourage Adoptions and Reduce the Number of** **ONTP**
Children in Foster Care in the State

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

LD 2168 proposed to allow the birth family and adoptive parents to enter into agreements for continuing contact between the birth family and the child or adoptive parents. The bill would have allowed, prior to adoption, the birth family and the Department of Human Services or the licensed child-placing agency to enter into continuing contact agreements that could be changed after adoption by the adoptive family. The bill would have required a report from the Department of Human Services on progress in increasing adoptions of children within the care and custody of the department.

LD 2173 **An Act to Correct Errors and Inconsistencies in the Laws of Maine** **PUBLIC 683**
EMERGENCY

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		S-622

LD 2173, the “Errors Bill,” proposed to make technical corrections in Maine laws.

Committee Amendment "A" (S-622) proposed to make additional technical corrections and several substantive corrections and changes.

Enacted law summary

Public Law 1997, chapter 683 makes technical and substantive corrections in Maine laws. The original bill (Part A) and Part B of the Committee Amendment make technical corrections. Part C makes substantive corrections of errors. Part D reconciles laws enacted last year concerning the Maine Jobs Council and the duties it has assumed with the repeal of various labor and job training councils. Part E contains substantive changes, including: authorizing the Chief Justice of the Supreme Judicial Court to assign Supreme Court Justices to sit in District Court and Administrative Court; adding to the list of exceptions to the unauthorized practice of law to carry out the intent of PL 1997, chapter 466 to allow humane agents and state veterinarians to enforce the animal welfare laws in court even if they are not attorneys; and correcting maximum age for those who are required to receive permission from the Probate Court before a marriage can proceed.

LD 2183 **An Act to Amend the Laws Regarding Intellectual Property Rights** **ONTP**