

# 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*

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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.

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 Children in Foster Care in the State**                      **ONTP**

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

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

LD 2183 proposed, in concept draft form, to ensure that an employee, as opposed to an employer, is entitled to property rights in an invention. The sponsor indicated that the purpose behind the bill was to authorize the use of intellectual property as collateral for research and development loans.

**LD 2234                      Resolve, Regarding Legislative Review of Rules Governing the                      RESOLVE 111**  
**Implementation of Hypodermic Apparatus Exchange Programs, a**  
**Major Substantive Rule of the Department of Human Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM      MAJ	H-940
	OTP-AM      MIN	H-1059    ETNIER

LD 2234 proposed to provide for legislative review of rules governing the implementation of hypodermic apparatus exchange programs, a major substantive rule of the Department of Human Services.

**Committee Amendment "A" (H-940)** (Majority Report) proposed to provide for amendments to the rules regarding the certification of needle exchange programs. The rule amendments proposed to clarify who signs the program application form and that program certification cannot be transferred.

**Committee Amendment "B" (H-941)** (Minority Report) proposed to specifically not authorize final adoption of the rules regarding the certification of needle exchange programs. (Not adopted)

**House Amendment "A" (H-996)** proposed to remove the emergency preamble and emergency clause from the resolve. (Not adopted)

**House Amendment "B" (H-105)** proposed to remove the emergency preamble and emergency clause from the resolve.

*Enacted law summary*

Resolve 1997, chapter 111 authorizes the final adoption of rules by the Department of Human Services governing the certification of hypodermic apparatus exchange programs.

**LD 2246                      An Act to Require Expeditious Action in Child Protection Cases                      PUBLIC 715**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-560

LD 2246 proposed to require expeditious action in child protection cases. It proposed summary preliminary hearings, shortened time periods, an expanded list of aggravating factors in child protection cases leading to termination, procedural safeguards for foster and preadoptive parents and relatives providing care and revised reunification responsibilities of the Department of Human Services.