

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

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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).

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.

<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 Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services** **RESOLVE 111**

<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.

Committee Amendment “A” (S-560) proposed additional recommendations from the Committee to Study the Role of the Courts in Protecting Children, including:

1. Excluding scheduling problems as a reason to delay the issuance of a jeopardy order within 120 days of the filing of a child protection petition;
2. Adding as an aggravating circumstance the fact that the parent has refused for 6 months to comply with treatment required in a reunification plan;
3. Making changes consistent with the legal roles of the legal guardian and custodian;
4. Deleting unnecessary sections concerning the contents of the petition;
5. Clarifying the standard for when the Department of Human Services may be excused from presenting plans or decisions to the court;
6. Revising the procedure the department must follow when it decides to terminate reunification efforts; and
7. Clarifying when the department is not required to file a termination petition;

The amendment also proposed to require the Department of Human Services to notify both the District Court in which the child protection action is pending and the guardian ad litem when the department consents to the adoption of a child within the department's custody.

Enacted law summary

Public Law 1997, chapter 715 requires expeditious action in child protection cases. It provides for summary preliminary hearings, shortened time periods, an expanded list of aggravating factors in child protection cases leading to termination of parental rights, and procedural safeguards for foster and preadoptive parents and relatives providing care, and it alters the reunification responsibilities of the Department of Human Services. Chapter 715 also requires DHS to notify the child's guardian ad litem when the department consents to the adoption of a child within the department's custody.