

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1999

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Sen. Sharon Anglin Treat

Sen. John W. Benoit

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ONE HUNDRED NINETEENTH LEGISLATURE
FIRST REGULAR SESSION

Summary Of Legislation Before The Joint Standing and Select Committees
August 1999

We are pleased to provide this summary of all bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. 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 and select committees.

The document is organized for convenient reference to information on bills considered by the 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:

CARRIED OVER..... *Bill carried over to Second Regular Session*
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*
ENACTMENT FAILED..... *Bill failed to get vote required for enactment or final passage*
NOT PROPERLY BEFORE THE BODY..... *Ruled out of order by the presiding officers; bill died*
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 First Regular Session (unless otherwise specified in a particular law) is September 18, 1999.

LD 347 **An Act to Amend the Installment Payment Order Capability of the Disclosure Court** **CARRIED OVER**

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

LD 347 proposes to allow a court to take into account money from sources exempt from attachment or garnishment when ordering a judgment debtor to make installment payments to a judgment creditor. Although the money from exempt sources would not be subject to attachment or garnishment, it would be counted when determining whether the debtor had sufficient resources with which to make installment payments.

This bill has been carried over to the Second Regular Session.

LD 381 **An Act to Provide the Right to a Jury Trial in Civil Actions for Violations of Constitutional Rights** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	ONTP MAJ OTP-AM MIN	

LD 381 proposed to provide the right to a trial by jury in civil actions for violations of constitutional rights under the Maine Civil Rights Act.

Committee Amendment "A" (H-33), the minority report of the committee, proposed to add a fiscal note to the bill. (Not adopted)

LD 385 **An Act to Collect Unpaid Fines in the State** **ONTP**

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

LD 385 proposed to authorize the Commissioner of Public Safety to issue an arrest permit to a licensed private investigator who meets the necessary qualifications. The arrest permit would enable a private investigator to arrest any person in arrears of payment of a fine.

LD 405 **An Act to Require that the State of Maine Comply with Federal Law Requiring Reasonable Efforts** **P & S 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN MITCHELL B	OTP-AM	H-440

LD 405 proposed to require the State to comply with the Adoption Assistance and Child Welfare Act of 1980, as amended, especially with regard to the placement of children in foster care with relatives. It also proposed that the Department of Human Services to report to the Joint Standing Committee on Judiciary by December 15, 1999 on compliance with that Act.

Committee Amendment "A" (H-440) proposed to correct the title of the bill, as well as change the charge to the Department of Human Services to direct the department to comply with specific federal laws concerning child protective services programs and state responsibilities. It requires the department to report back to the Joint Standing Committee on Judiciary by December 15, 1999 on the status of the State's compliance with the federal law. As proposed, the report must provide information specifically about the State's actions with regard to the reasonable efforts requirement concerning keeping families intact rather than removing children from the home.

Enacted law summary

Private and Special Law 1999, chapter 26 directs the Department of Human Services to comply with specific federal laws concerning child protective services programs and state responsibilities. The department must report to the Judiciary Committee by December 15, 1999 on the status of the State's compliance with federal law.

LD 413 An Act to Prohibit Discrimination Against Motorcyclists ONTP

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

LD 413 proposed to amend the Maine Human Rights Act to prohibit discrimination in public accommodations against persons who operate motorcycles or who wear clothing that displays the name of a motorcycle association or organization.

LD 426 An Act to Implement Recommendations of the Maine Indian Tribal-State Commission to Ensure Enforcement of Subpoenas by Tribal Courts ONTP

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

LD 426 proposed to clarify that sheriffs and deputies have the duty to serve and execute papers issued by the Passamaquoddy Tribal Court and the Penobscot Tribal Court.

LD 432 An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act PUBLIC 486

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	H-464 S-390 MICHAUD