

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
119TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**JULY 1999**

**MEMBERS:**

*Sen. Susan W. Longley, Chair*

*Sen. Sharon Anglin Treat*

*Sen. John W. Benoit*

*Rep. Richard H. Thompson, Chair*

*Rep. Thomas Bull*

*Rep. Charles C. Laverdiere*

*Rep. Patricia T. Jacobs*

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*Rep. G. Paul Waterhouse*

*Rep. William J. Schneider*

*Rep. Donna M. Loring*

**Staff:**

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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](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:

*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.

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-636
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LD 496 proposed to abrogate the rule against perpetuities for property interests created by instruments taking effect after the effective date of the bill. The rule against perpetuities is a common law rule that prohibits the creation of a property interest that vests farther in the future than the rule allows.

**Committee Amendment "A" (H-636)** proposed to replace the bill. It proposed to exempt a trust from the rule against perpetuities if the instrument creating the trust specifies that the rule does not apply and the instrument gives a trustee or other person power to sell, lease or mortgage the trust property after the time when the interest would have been required by the rule against perpetuities to vest.

*Enacted law summary*

Public Law 1999, chapter 391 provides that a trust is exempt from the rule against perpetuities if the instrument creating the trust specifies that the rule does not apply and the instrument gives a trustee or other person power to sell, lease or mortgage the trust property after the time when the interest would have been required to vest in order to be valid under the rule against perpetuities. The law applies to trusts created after September 18, 1999, the effective date of chapter 391.

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-658
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LD 523 proposed to ensure that Indian children placed in foster homes are eligible for benefits and reimbursement available under any state or federally funded program administered for the benefit of Maine children.

**Committee Amendment "A" (H-658)** proposed to correct Maine's foster care licensing and funding statutes to recognize the authority of the Maine Indian tribes under the federal Indian Child Welfare Act.

*Enacted law summary*

Public Law 1999, chapter 392 corrects Maine's foster care licensing and funding statutes to recognize the authority of the Maine Indian tribes under the federal Indian Child Welfare Act. Chapter 392 makes clear that Indian children in the custody of Maine Indian tribes under the Indian Child Welfare Act are fully eligible, as Maine children, for all state and federally funded foster care programs administered by the State. It also recognizes Indian foster family homes licensed or approved under the Indian Child Welfare Act as an exception to the general requirement of state licensing for foster care placements and funding when Indian children are involved.

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-101
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LD 568 proposed to require a person claiming an interest in real estate based on the omission of technical wording in a deed issued prior to the Short Form Deeds Act to file notice in the registry of deeds within two years of the effective date of this Act in order to preserve that interest.

**Committee Amendment "A" (H-101)** proposed to require a person to file a civil action by December 31, 2002 in order to preserve the interest in property.

***Enacted law summary***

Public Law 1999, chapter 69 requires a person to file a civil action in court by December 31, 2002 in order to preserve a claim of interest in property due to the absence of an habendum clause or technical words of inheritance in a deed issued prior to the Short Form Deeds Act. After December 31, 2002, a person may not bring an action or enter upon property under a claim of right based on the lack of an habendum or technical words of inheritance in a deed.

**LD 571                      An Act to Prohibit Partial-birth Abortion                      ONTP**

<u>Sponsor(s)</u> MACK MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 571 proposed to prohibit partial-birth abortions except when necessary to save the life of the mother. Performance of a partial-birth abortion in violation of the provisions of this bill would be a Class D crime. In addition, the bill proposed that the physician performing the abortion be subject to damages in a civil suit. As proposed, the mother may not be prosecuted. See also LD 917, LD 1593.

**LD 596                      An Act to Allow Citizens 70 Years of Age or Older the Option of Serving Jury Duty                      ONTP**

<u>Sponsor(s)</u> SMALL MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 596 proposed to give a person 70 years of age or older the option of declining jury duty.

**LD 605                      An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney                      PUBLIC 66**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 605 proposed to clarify the effective date of certain corrections made to powers of attorney laws that were enacted as emergency legislation during the Second Special Session of the 118th Legislature.

***Enacted law summary***