

# 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  
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*

*Rep. Charles E. Mitchell*

*Rep. William S. Norbert*

*Rep. Debra D. Plowman*

*Rep. David R. Madore*

*Rep. G. Paul Waterhouse*

*Rep. William J. Schneider*

*Rep. Donna M. Loring*

**Staff:**

*Margaret J. Reinsch, Principal Analyst*

*Deborah C. Friedman, 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 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.

Public Law 1999, chapter 66 acknowledges that the enactment of the Maine Revised Statutes, Title 18-A, section 5-508 represented a modification of existing law and delays the effective date of the modification until December 31, 1998.

**LD 658**                      **An Act to Require Notification of a Lien on Property to Be Done by Certified Mail**                      **ONTP**

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

LD 658 proposed to require a person, municipality or the State to notify the property owner by certified mail that a lien has been filed against the owner's property in three instances: when a person has not been paid for providing materials, labor or services on land or a building of another; when an animal owner is in violation of the rabies statutes; and when a taxpayer has not paid state taxes.

**LD 687**                      **An Act Regarding Wrongful Death Actions**                      **CARRIED OVER**

<u>Sponsor(s)</u> SCHNEIDER DOUGLASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
--	--	-------------------------	--	---------------------------

LD 687 proposes to amend the Wrongful Death Act to remove the existing cap of \$150,000 on the amount of damages that may be awarded to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.

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

**LD 697**                      **An Act to Require Courts to Reimburse Jurors for Parking Expenses**                      **INDEF PP**

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

LD 697 proposed to require a court to reimburse jurors for the jurors' parking expenses.

**Committee Amendment "A" (H-133)** proposed to allow only reasonable parking expenses of jurors to be paid by the courts and to add an appropriation section and fiscal note to the bill.

**LD 699**                      **An Act Concerning Minors' Consent for Services**                      **PUBLIC 90**

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

LD 699 proposed to authorize a minor to consent to a sexual assault forensic examination by a physician or in a hospital to collect evidence after an alleged sexual assault.

*Enacted law summary*

Public Law 1999, chapter 90 authorizes a minor to consent to a sexual assault forensic examination by a physician or in a hospital to collect evidence after an alleged sexual assault.

**LD 703**

**An Act to Create the Maine Civil Rights Act of 1999**

**ONTP**

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

LD 703 proposed to prohibit the State and its subdivisions and instrumentalities from discriminating or granting preferential treatment in the operation of public employment, education or contracting to any person on the basis of race, sex, color, ethnicity or national origin.

**Committee Amendment "A" (H-194)**, the minority report, proposed to add a fiscal note to the bill. (Not adopted)

**LD 706**

**An Act to Expedite Treatment of Certain Persons with Mental Illness**

**PUBLIC 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND KILKELLY	OTP-AM MAJ OTP-AM MIN	H-659

LD 706 proposed to provide for a voluntary agreement for mental health treatment or services. The procedure proposed to allow a person with mental illness who has the capacity to make decisions to voluntarily sign a form naming individuals who may later certify that the person requires mental health treatment or services.

**Committee Amendment "A" (H-659)**, the majority report of the committee, proposed to replace the bill, and amend the Uniform Health-care Decisions Act to specifically provide for advance health care directives that authorize mental health treatment, including hospitalization.

**Committee Amendment "B" (H-660)**, the minority report of the committee, differed from the majority report in that it contained a sunset of January 1, 2002 for all changes concerning advance health care directives for mental health treatment. Part A proposed to enact the changes with a self-repealing date of January 1, 2002. (Not adopted)

*Enacted law summary*

Public Law 1999, chapter 423 provides for advance health care directives authorizing mental health treatment and services, including hospitalization. The directive may contain conditions that specify when the directive becomes effective, and it may specify a particular method for determining when those conditions are met. It may also provide consent to hospitalization for mental health treatment, which may be honored if the person at the time of examination and hospitalization lacks capacity, even if the person objects to the hospitalization. The duration of the stay in the hospital of the person may not exceed 5 working days. Further hospitalization is possible only with the consent of the person or through the emergency admission procedures.

Chapter 423 also authorizes a law enforcement officer to take into protective custody a person that the officer knows has an advance health care directive authorizing mental health treatment if the officer has reasonable grounds to believe, based on probable cause, that the person lacks capacity. The law enforcement officer must then deliver the person