

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

Rep. Charles E. Mitchell

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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).

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 942

An Act to Establish the Juvenile Division of the District Court

ONTP

Sponsor(s)
GLYNN

Committee Report
ONTP

Amendments Adopted

LD 942 proposed to establish the Juvenile Division within the District Court, with jurisdiction over matters within the Maine Juvenile Code, matters involving children in need of services, juvenile traffic offenses, emancipation proceedings, homeless juveniles and juveniles who have left home and other matters assigned by the Chief Judge.

LD 947

An Act to Clarify Certain Liens

PUBLIC 88

Sponsor(s)
LAFOUNTAIN
MADORE

Committee Report
OTP-AM

Amendments Adopted
S-38

LD 947 proposed to clarify the mechanic lien law by stating that the financing statement must be notarized and be submitted with a form approved by the Secretary of State, which is the same form as for UCC filings.

This bill was submitted on behalf of the Secretary of State.

Committee Amendment "A" (S-38) proposed to restructure the section of law relating to filing of mechanics' liens to simplify the language and to clarify what documents must be filed.

Enacted law summary

Public Law 1999, chapter 88 requires the financing statement of a mechanic's lien to be notarized and submitted with a form approved by the Secretary of State, which is the same form as for UCC filings.

LD 1010

An Act Regarding the Family Court

CARRIED OVER

Sponsor(s)
THOMPSON

Committee Report

Amendments Adopted

LD 1010 proposes to give the family case management officer in the Family Division of the District Court authority to hear contested family cases and enter final orders if both parties agree.

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

LD 1011

An Act to Change the Application of the Durable Financial Power of Attorney Provisions

PUBLIC 118

Sponsor(s)
THOMPSON

Committee Report
OTP-AM

Amendments Adopted
H-138

LD 1011 proposed to make disclosures and limitations required for all durable financial powers of attorney inapplicable to powers of attorney granted by someone other than an individual, such as a corporation, or by an individual when the power is granted to a secured party or the mortgagee in a security agreement or mortgage.

Committee Amendment "A" (H-138) proposed to replace the word "individual" with "natural person," and to clarify that a power of attorney given by a borrower or related party to a lender in a loan transaction for value is not of the type intended to be regulated by the Maine Revised Statutes, Title 18-A, section 5-505.

Enacted law summary

Public Law 1999, chapter 118 eliminates the requirement that a durable financial power of attorney contain certain limitations and disclosures when the power of attorney is granted by someone other than a natural person, when it is related to a security agreement or mortgage, or when involved in a loan transaction.

LD 1027 An Act to Extend the Waiting Period for Obtaining a Divorce ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DESMOND	ONTP MAJ	
PARADIS	OTP MIN	

LD 1027 proposed to establish a six-month waiting period between the service of a divorce complaint and the divorce hearing, except that the waiting period would not apply to any person who has obtained a protection from abuse order to protect that person or another family or household member from the other party.

LD 1031 An Act to Require that Child Support Benefits Designated Children ONTP

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

LD 1031 proposed to state in statute that child support payments must be used for the support and maintenance of the child for whom the child support order is established.

LD 1058 An Act to Provide for Geographic Distribution of Funds for Civil Legal Services ONTP

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

LD 1058 proposed to charge the Civil Legal Services Fund Commission with ensuring that funding from the Maine Civil Legal Services Fund is disbursed in a geographically equitable fashion.