

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).

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 1098 **An Act to Create a Respondent's Bill of Rights in Adjudicatory Proceedings** **ONTP**

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

LD 1098 proposed to require agencies conducting adjudicatory proceedings to inform respondents of their rights and the procedures to be followed at the inception of the proceeding.

LD 1101 **An Act to Require Consistency When Interviewing Children in Criminal and Civil Cases** **ONTP**

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

LD 1101 proposed to require law enforcement officers and Department of Human Services staff who are investigating or participating in a child protection proceeding to limit the number of interviews and the number of interviewers that a child must face. It also proposed to require that the information collected in the interview be disclosed to the person accused of abuse, neglect or other wrongdoing with respect to the child, regardless of whether the investigation relates to a criminal or a civil matter.

Committee Amendment "A" (H-531), the minority report, proposed to eliminate the proposed requirements pertaining to how interviews of children must be conducted and recorded. It also proposed to delete the proposed disclosure requirement.

LD 1109 **An Act to Prevent Children From Being Placed with a Parent Who is a Batterer or an Abuser** **ONTP**

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

LD 1109 proposed to increase the standard the court must apply in determining whether contact or residing with a parent who has committed domestic abuse is in the child's best interest. The bill proposed to require that the court find by clear and convincing evidence that residing with that parent or having contact with that parent is in the child's best interest.

LD 1110 **An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits** **PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-462

LD 1110 proposed to provide that, for purposes of calculating child support, disability benefits received by a child based on the disability of a nonprimary care provider must be counted toward the parental support obligation of the nonprimary care provider on whose disability the benefits are based.

Committee Amendment "A" (H-462) proposed to replace the bill. It proposed to replace the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. The amendment proposed to clarify that credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

As proposed, the child support amount may not be reduced because of the payment of the dependent benefits, and the obligor parent receives credit for the amount of dependent benefits paid, thereby reducing the amount of child support the obligor parent must pay. The credit may not exceed the child support obligation.

Enacted law summary

Public Law 1999, chapter 327 replaced the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. Credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

LD 1120

An Act to Amend the Uniform Health Care Decisions Act

PUBLIC 411

Sponsor(s)
JABAR

Committee Report
OTP-AM

Amendments Adopted
H-616

LD 1120 proposed to amend the Health Care Decisions Act concerning surrogate decision-making. It proposed to authorize a surrogate to make any health care decision, other than to withhold or withdraw life-sustaining treatment, for a patient if the patient lacks capacity and no agent or guardian exists.

The bill also proposed to expand the list of persons who can act as a surrogate for a patient. Added to the list after immediate family members is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.

Committee Amendment "A" (H-616) proposed to replace the bill. It proposed to revise the surrogate's decision-making authority to allow the surrogate, when no agent or guardian exists, to make any health care decision for a patient who lacks capacity, as determined by the primary physician, except that the surrogate may not deny surgery, procedures or interventions that are lifesaving and medically necessary. It also proposed to revise the hierarchical list of persons who can act as a surrogate by moving a person who has a spouse-like relationship with the patient to one step below a spouse.

Enacted law summary

Public Law 1999, chapter 411 amends the Uniform Health Care Decisions Act concerning health care decisions made by a surrogate. It retains the current law concerning a patient in a terminal condition or persistent vegetative state. In addition, it authorizes a surrogate to make any health care decision for a patient if the patient lacks capacity and no agent or guardian exists, except that the surrogate may not deny surgery, procedures or interventions that are life-saving and medically necessary.

Chapter 411 also expands the list of persons who can act as a surrogate for a patient. Added to the list after the spouse is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.