

# 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.

**LD 1121****An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court****PUBLIC 67  
EMERGENCY**

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

LD 1121 proposed to amend the statutes to make clear that a court security officer may be directed by a court to serve a protection from abuse order on a defendant who is present in the courthouse.

***Enacted law summary***

Public Law 1999, chapter 67 authorizes a court security officer to serve a protection from abuse order on a defendant who is present in the courthouse.

Chapter 67 was enacted as an emergency measure effective April 14, 1999.

**LD 1128****An Act Creating Offenses Against Unborn Children****ONTP**

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

LD 1128 proposed to create new crimes against unborn children. Punishment was proposed as follows: for intentionally or knowingly causing the death of an unborn child, the same as for murder; voluntary manslaughter of an unborn child, a Class A crime; recklessly causing the death of an unborn child, a Class B crime, except that it would be reduced to a Class C crime if the death was caused by the reckless operation of a motor vehicle; assault and aggravated assault on an unborn child, Class D and Class C crimes, respectively.

The bill proposed that the crimes do not apply to an abortion to which the pregnant woman has consented, to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment, or to the pregnant woman.

**Committee Amendment "A" (H-612)**, the minority report of the committee, proposed to add a fiscal note to the bill.

**LD 1129****An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee****PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT	OTP-AM MAJ	H-371
MITCHELL B	ONTP MIN	S-295 GOLDTHWAIT

LD 1129 proposed to create a new membership structure for the Maine HIV Advisory Committee. It proposed to decrease the number of members from 36 to 21 and to create a membership committee within the Advisory Committee to appoint members, other than legislative members, from lists of nominations provided by specified groups of interested parties. It also proposed to pay a per diem to members with HIV or who are at risk for HIV, in addition to