

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

FIRST REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1999

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Sen. John W. Benoit

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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).

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

reimbursement of expenses, which all members receive. The bill proposed to allow the members to annually elect a chair and vice-chair rather than having the governor designate them.

Committee Amendment "A" (H-371) proposed to remove the sections providing for per diem payments to certain members of the commission and to remove a section relating to acceptance of outside funding, since current law already includes such a provision.

Senate Amendment "A" (S-295) proposed to make a technical correction to the bill.

Enacted law summary

Public Law 1999, chapter 390 creates a new membership structure for the Maine HIV Advisory Committee. It decreases the number of members from 36 to 21 and creates 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 allows the members to annually elect a chair and vice-chair rather than having the governor designate them.

LD 1137 **An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court** **PUBLIC 139**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER DAVIS P	OTP-AM	H-136

LD 1137 proposed to allow police officers to prosecute their own traffic infraction cases in District Court without the representation being considered an unauthorized practice of law.

Committee Amendment "A" (H-136) proposed to delete language requiring that representation by a law enforcement officer be approved by the District Court Judge presiding at the trial. It also proposed to clarify that representation by a law enforcement officer must be approved by the prosecuting attorney in each matter.

Enacted law summary

Public Law 1999, chapter 139 authorizes police officers to prosecute their own traffic infraction cases in District Court if that representation is approved by the prosecuting attorney in each matter.

LD 1142 **An Act to Provide for Suit Against Certain State Employees** **ONTP**

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

LD 1142 proposed to provide that an employee of the Department of Human Services who, for inappropriate personal motives, seeks to deprive a person of rights in a child protection action is not entitled to absolute immunity from tort liability.

Committee Amendment "A" (H-611), the minority report, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)