

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:

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Sen. Sharon Anglin Treat

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.

Public Law 1999, chapter 284 revises Maine's Uniform Unclaimed Property Act to clarify what constitutes indication of interest by the owner, and the appropriate time periods, as they relate to abandonment of deposit accounts and funeral and burial plans. It also clarifies that inactivity fees may be deducted from property before it escheats to the State.

LD 1156

An Act to Repeal the Elective Share Available to Surviving Spouses under the Probate Code

ONTP

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

LD 1156 proposed to repeal the provisions in the Probate Code that provide that if a married person domiciled in this State dies, the surviving spouse has a right of election to take an elective share of 1/3 of the augmented estate.

LD 1213

An Act Regarding the Effective Date of Guardian Ad Litem Training

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-439

LD 1213 proposed to postpone the effective date of the program of training and certification of guardians ad litem.

Committee Amendment "A" (H-439) proposed to replace the bill and revise the deadlines concerning the training and qualifications for guardians ad litem.

Enacted law summary

Public Law 1999, chapter 251 revises the deadlines concerning the training and qualifications for guardians ad litem as follows:

1. The Supreme Judicial Court must implement the guardian ad litem training program by November 1, 1999;
2. The Supreme Judicial Court must report back to the Joint Standing Committee on Judiciary by December 15, 1999 about the training, certification, assignment and supervision of guardians ad litem; and
3. All guardians ad litem appointed after March 1, 2000 in child protection and family law cases must meet the qualifications established by the Supreme Judicial Court.

LD 1223

An Act to Clarify the Immunity for Charitable Directors, Officers and Volunteers

ONTP

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

LD 1223 proposed to make clear that an unpaid volunteer who assists in the provision of legal services to indigent persons is not liable for inadvertent or negligent actions in providing legal services or advice.