

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 1230

An Act Allowing Certain Exceptions to Jury Duty

ONTP

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

LD 1230 proposed to allow prospective jurors to be excused from jury duty if they are unable to secure child care or have other pressing personal needs.

LD 1243

An Act to Strengthen the Kinship Laws

PUBLIC 382

<u>Sponsor(s)</u> PLOWMAN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-599
------------------------------	--	-----------------------------------	--	------------------------------------

LD 1243 proposed to require the Department of Human Services to prefer residential placement of the child with other family members of the child after termination of parental rights.

Committee Amendment "A" (H-599) proposed to revise the bill to be consistent with federal law concerning the placement of children with relatives rather than with foster parents who are not related to the child.

Enacted law summary

Public Law 1999, chapter 382 requires, consistent with federal law, that the Department of Human Services consider placing a child with a relative rather than an unrelated foster family, as long as the relative meets all the relevant child protection standards that apply to foster care.

LD 1251

An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court

CARRIED OVER

<u>Sponsor(s)</u> LEMONT DAVIS P		<u>Committee Report</u>		<u>Amendments Adopted</u>
--	--	-------------------------	--	---------------------------

LD 1251 proposes to increase the reimbursement fee paid to a municipality by District Court for each day a law enforcement officer is present for a scheduled trial from \$25 to \$50.

This bill was recommitted to committee and carried over to the Second Regular Session.

LD 1255

An Act Providing for Regulation of the Uses of Surface Waters within or Affecting Passamaquoddy Territory

ONTP

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

LD 1255 proposed to give exclusive authority to regulate surface water use on ponds entirely within Passamaquoddy Indian territory to the Passamaquoddy Tribe and to give the Maine Indian Tribal-State Commission authority over surface water use of great ponds with at least 10%, but not all, of the shoreline within Passamaquoddy Indian territory.

LD 1284 **An Act Regarding Test Results Used in Determining Paternity** **ONTP**

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

LD 1284 proposed to require a court to make a new paternity determination if, after the court has entered a judgment that the alleged father is the legal father, the alleged father submits to blood or tissue-typing testing and the results show the alleged father is not the father.

LD 1285 **An Act to Allow the Child Support Obligor the Right to Provide Day Care** **ONTP**

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

LD 1285 proposed to provide that the nonprimary residential care provider, or either party in case primary residential care is shared equally, may provide child care personally or by a close relative if it is consistent with the best interests of the child. As proposed, if a court does not allow child care, it must state the reasons in writing or on the record.

Committee Amendment "A" (H-644), the minority report, proposed to add a fiscal note to the bill.

LD 1294 **An Act to Provide for a Limited Waiver of Immunity** **CARRIED OVER**

<u>Sponsor(s)</u> POWERS		<u>Committee Report</u>		<u>Amendments Adopted</u>
-----------------------------	--	-------------------------	--	---------------------------

LD 1294 proposes to waive immunity from liability for directors, officers and volunteers of charitable organizations when they cause harm while operating vehicles, vessels or aircraft. Liability would be limited to the amount of insurance coverage held by the director, officer or volunteer. The bill also proposes to void a provision in an insurance policy that attempts to exclude coverage for such claims.

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

LD 1303 **An Act to Amend the Statute of Limitations for Medical Malpractice** **CARRIED OVER**

<u>Sponsor(s)</u> WATSON RAND		<u>Committee Report</u>		<u>Amendments Adopted</u>
-------------------------------------	--	-------------------------	--	---------------------------