

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.

Committee Amendment "A" (H-137) proposed to remove the provision allowing for prejudgment interest on money judgments awarded in small claims actions.

Enacted law summary

Public Law 1999, chapter 109 provides for post-judgment interest on money judgments awarded in small claims actions.

LD 1405 **An Act to Allow for a Citizen's Petition for a Grand Jury** **ONTP**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1405 proposed to require the Chief Justice of the Superior Court to summon a grand jury upon receipt of a petition signed by at least 10% of a county's adult, resident citizens.

LD 1411 **An Act Regarding Counseling in Divorce and Separation** **ONTP**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1411 proposed to establish a divorce effects program. As proposed, the court must order every party to a proceeding for judicial separation, divorce, award of parental rights and responsibilities when the parents live apart or child support to attend such a program when minor children are involved. The bill proposed who may provide such a program and the program's content with regard to the effect of divorce on children. The bill also proposed that the party initiating a judicial separation or divorce proceeding or proceeding when parents live apart be required to show that parental separation is in a child's best interest.

LD 1422 **An Act Requiring Notice to Be Given to Alleged Perpetrators** **ONTP**

<u>Sponsor(s)</u> PIEH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1422 proposed to require notification of alleged perpetrators in child protective proceedings and to grant them the right to testify and present evidence in those proceedings. It proposed to provide that a criminal case may not be brought against the alleged perpetrator if the court finds in favor of the alleged perpetrator.

LD 1427 **An Act to Amend the Laws Regarding Domestic Violence Incidence Reports** **ONTP**

<u>Sponsor(s)</u> MUSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1427 proposed to allow criminal justice agencies to release domestic violence incidence reports to agencies who contract with the State to provide services and support to victims and families of victims of domestic and family violence.

LD 1449 **Resolve, Directing Cooperation between the Department of Human Services and the Passamaquoddy Tribe in Providing Human Services Programs** **ONTP**

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

LD 1449 proposed to require the Commissioner of Human Services to formulate agreements with the Passamaquoddy Tribe to provide state recognition of foster care homes approved by the tribe and funding for children in foster care custody of the tribe. See also LD 523.

LD 1460 **An Act to Allow Sharing of Information for Child Protective Investigations** **PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	H-438

LD 1460 proposed to permit the release of reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of certain state agencies, including law enforcement agencies, to the Department of Human Services, Bureau of Child and Family Services for use in the investigation of suspected abuse or neglect.

Committee Amendment "A" (H-438) proposed to clarify that the information shared with the Department of Human Services, Bureau of Child and Family Services is limited to information for use in the investigation of suspected abuse or neglect.

Enacted law summary

Public Law 1999, chapter 305 allows certain state agencies, including law enforcement agencies, to share with the Department of Human Services reports and records that contain intelligence and investigative information for use in the investigation of suspected abuse or neglect.

LD 1471 **An Act to Amend the Laws Governing Wrongful Death** **CARRIED OVER**

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

LD 1471 proposes to change the statute of limitations under the Maine Health Security Act for medical malpractice when the lawsuit results from an alleged wrongful death. If the death occurred within the 3-year period provided under the Maine Health Security Act, the wrongful death action must be filed within 2 years of the death, and all