

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. 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.

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

other provisions of the Maine Probate Code's wrongful death statute, including caps on the amount of damages recoverable, will apply.

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

LD 1486 **An Act to Include Fraudulent Billing by Attorneys under the Unfair Trade Practices Act** **ONTP**

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

LD 1486 proposed to amend the Maine Unfair Trade Practices Act to allow its civil remedies to apply to attorneys' billing practices that are unfair competition or deceptive acts.

LD 1487 **An Act to Bring Equity into Custodial Agreements** **ONTP**

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

LD 1487 proposed to create a presumption in custody cases that an equal allocation of parental rights and responsibilities is in the best interest of the child.

Committee Amendment "A" (H-530), the minority report of the committee, proposed to strike out the language in the bill referring to an agreement of the parties for an allocation other than equal allocation of parental rights and responsibilities. (Not adopted)

LD 1488 **An Act to Ensure Compliance with Court Orders Relating to Child Visitation** **DIED BETWEEN BODIES**

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

LD 1488 proposes to require a judge to provide compensatory visitation if the parent who has primary physical residence with the child denies visitation.

LD 1514 **An Act to Amend the Filing Requirements to Perfect a Purchase Money Security Interest in Consumer Goods** **ONTP**

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