

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
119TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JULY 2000

**MEMBERS:**

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*Sen. Sharon Anglin Treat*

*Sen. John W. Benoit*

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**ONE HUNDRED NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**

**Summary Of Legislation Before The Joint Standing Committees**  
**July 2000**

We are pleased to provide this summary of 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](http://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:

<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i> .....	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101 & 107

value may be found to be marital property. The determination of what constitutes "substantial and active" involvement by a spouse will depend upon the type of management, maintenance or improvement customarily associated with the type of property at issue. Chapter 665 also expands the exception to the marital property presumption to include nonmarital property acquired during the marriage. The predecessor provision applied to only the "increase in value of property acquired prior to the marriage." This change modifies this limiting language so that it now applies to all nonmarital property, whether acquired prior to marriage or during the marriage through gift, bequest, devise or descent or property excluded by agreement of the parties. Public Law 1999, chapter 790, Part I makes the changes in chapter 665 apply to pending cases.

**LD 2268**

**An Act to Ensure that Reports Commissioned by the State are Submitted in Writing or Other Reproducible Format**

**PUBLIC 623**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK LIBBY	OTP-AM	H-953

LD 2268 proposed to require any report commissioned in whole or in part by the State or any of its political subdivisions to be reduced to writing and delivered to the State or political subdivision that commissioned the report. This bill also proposed to amend the definition of "public records" in freedom of access law to include reports.

**Committee Amendment "A" (H-953)** proposed to replace the bill. It proposed to apply to state contracts for \$10,000 or more that include a report back to the contracting agency, to require that the contract include a requirement that the report be in writing or in another reproducible nontransitory medium, to require that the report include the substantive conclusions disclosed to the agency contracting for the report, and to require that the report also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The amendment proposed that the agency maintain a copy of the report in its custody.

***Enacted law summary***

Public Law 1999, chapter 623 requires that state contracts for \$10,000 or more require a report back to the contracting agency, and that the report must be in writing or in another reproducible nontransitory medium. Electronic or other media may be used as long as the report can be reproduced. The report must include the substantive conclusions disclosed to the agency contracting for the report. It must also either include a summary of the information and data on which the conclusions were based or identify the source of the information and data. The agency must maintain a copy of the report in its custody.

**LD 2271**

**An Act to Clarify the Laws Governing Service of Protection from Harassment Orders in Court**

**PUBLIC 542  
EMERGENCY**

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

LD 2271 proposed to allow a court security officer qualified pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 15 to serve a defendant personally with any protective order or consent decree if the defendant is present in the courthouse.

***Enacted law summary***

Public Law 1999, chapter 542 allows a court security officer qualified pursuant to the Maine Revised Statutes, Title 4, section 17, subsection 15 to serve a defendant personally with any protective order or consent decree if the defendant is present in the courthouse.

Public Law 1999, chapter 542 was enacted as an emergency measure effective March 6, 2000.

**LD 2276**

**An Act to Revise the Spousal Support Statute**

**PUBLIC 634**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-915

LD 2276 is a recommendation of the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. This bill proposed to replace the current law on spousal support with more comprehensive requirements concerning the award of spousal support.

**Committee Amendment "A" (H-915)**, the majority report, proposed to clarify the application subsection of the new section that establishes standards and guidelines for spousal support. The Committee Amendment Summary includes a more detailed description of the bill as amended.

***Enacted law summary***

Public Law 1999, chapter 634 is a recommendation of the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. It replaces the current law on spousal support with more comprehensive requirements concerning the award of spousal support. Chapter 634 requires the courts to approach the determination of spousal support in a uniform manner. It also establishes two rebuttable presumptions designed to bring greater uniformity and predictability to spousal support determinations. Because the presumptions are rebuttable, the courts will retain their traditional discretion to fashion spousal support awards that are responsive to the particular circumstances of each case.

Chapter 634 also permits a spousal support award to provide that all or a portion of the award, including, but not limited to, the limitations associated with the award, is not subject to future modification. Under existing law, the question of whether a spousal support award may be modified can be the subject of lengthy and expensive litigation even in those cases in which the parties had previously entered into a written antimodification agreement.