

# 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:

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  
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... Emergency bill failed to get 2/3 vote  
FAILED ENACTMENT/FINAL PASSAGE..... Bill failed to get majority vote  
FAILED MANDATE ENACTMENT..... Bill imposing local mandate failed to get 2/3 vote  
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 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

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.