

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

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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).

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

already expired. "Sexual acts toward minors" is defined to include both "sexual act" and "sexual contact" as defined in the Maine Criminal Code.

LD 2474

An Act to Allow the Court Discretion in Providing Information to Parents or Custodians of a Child Removed from Their Home by the Department of Human Services

ONTP

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

Under current law, when the Department of Human Services removes a child from parents or custodians, the parents have the right to know where the child has been placed in foster care. When the foster parents are interested in attempting to adopt that child, the provision of such information dictates an open adoption. LD 2474 proposed to allow the court discretion in providing such information.

LD 2487

An Act to Amend the Jurisdiction of the District Court

**PUBLIC 547
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM	H-861

LD 2487 proposed to amend the jurisdiction of the District Court in 2 ways. First, it proposed to give the District Court the equitable jurisdiction to order the partition of property by sale. Second, it proposed to give the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminate the Administrative Court. The 2 sitting Administrative Court judges would have become District Court judges, serving the remainder of their terms without reappointment or reconfirmation.

Committee Amendment "A" (H-861) proposed to eliminate the vacant Administrative Court Associate Judge immediately. The amendment proposed to create a District Court Judge position immediately. The amendment proposed to eliminate the position of Administrative Court Chief Judge as of March 15, 2001 and create a new District Court Judge position at that time. No loss in total judge positions results. The amendment proposed that the 2 new District Court positions must be filled in the usual way: by nomination by the Governor and confirmation by the Legislature.

The amendment proposed that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings would not take precedence over any other items on the District Court's docket.

Enacted law summary

Public Law 1999, chapter 547 amends the jurisdiction of the District Court in 2 ways. First, it gives the District Court the equitable jurisdiction to order the partition of property by sale. Both the Superior Court and the probate courts currently have this equity jurisdiction in the situation where a life tenancy is followed by a contingent remainder.

Second, chapter 547 gives the District Court all the jurisdiction, powers and responsibilities of the Administrative Court and eliminates the Administrative Court as of March 15, 2001. The Administrative Court Associate Judge position, currently vacant, is eliminated immediately. A District Court Judge position is created immediately, so there is no net loss of judicial resources. Chapter 547 clarifies that an expedited hearing on the emergency suspension or revocation of a license must be scheduled, but that such hearings do not take precedence over any other items on the District Court's docket.

Public Law 1999, chapter 547 was enacted as an emergency measure effective March 9, 2000 except as otherwise provided.

LD 2499 **An Act Concerning the Date by Which Land Must be Acquired by the Penobscot Nation** **PUBLIC 625**

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

LD 2499 proposed to provide that certain land acquired by the Secretary of the Interior of the United States for the benefit of the Penobscot Nation prior to January 31, 2021 be considered Penobscot Indian territory pursuant to the Act to Implement the Maine Indian Claims Settlement, Maine Revised Statutes, Title 30, chapter 601. Current law provides that such land must be acquired prior to January 31, 2001.

Enacted law summary

Public Law 1999, chapter 625 provides that certain land acquired by the Secretary of the Interior of the United States for the benefit of the Penobscot Nation prior to January 31, 2021 is considered Penobscot Indian territory pursuant to the Act to Implement the Maine Indian Claims Settlement, Maine Revised Statutes, Title 30, chapter 601. Current law provides that such land must be acquired prior to January 31, 2001.

LD 2511 **An Act to Preserve the Integrity of Court-ordered Child Support Obligations** **ONTP**

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

LD 2511 proposed that a debt on a child support order continues to be incurred by a responsible parent while that parent receives public assistance for the benefit of a biological or adopted child of that parent until the court modifies the support order that is the basis of the debt. Current law stops the accrual of a debt while the obligated parent receives public assistance.