

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. 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

Recommendations IV, V, VII and VIII are not appropriately addressed through legislation, but by the Judicial Department directly.

Committee Amendment "A" (H-1081), the majority report proposed to do the following:

1. Make technical changes concerning the wording of the District Court's civil jurisdiction;
2. Authorize an appeal from the Superior Court to the Law Court for a specific set of facts;
3. Make corrections consistent with Public Law 1999, chapter 547; and
4. Establish the Court Unification Oversight Committee. The Court Unification Oversight Committee would be charged with overseeing the implementation of the recommendations of the court unification task force. As proposed, it would also be required to review and report on specific issues annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The amendment proposed that in the first annual report, the Court Unification Oversight Committee must make assessments and recommendations on workload, an abbreviated and expedited appeal process from the District Court to the Law Court and the shared docket.

The amendment proposed that provisions concerning the Court Unification Oversight Committee and the appropriation section take effect 90 days after adjournment of the Second Regular Session of the 119th Legislature. The rest of the changes in the bill as amended would take effect January 1, 2001.

Committee Amendment "B" (H-1082), the minority report, proposed to make the same changes as the majority report except that the provisions carrying out Recommendation I (shifting family law jurisdiction exclusively to the District Court) not be included. (Not adopted)

The provisions of the bill as amended by Committee Amendment "A" were incorporated into the Budget Bill, Public Law 1999, chapter 731, Part ZZZ.

LD 2564

An Act Regarding the Payment of Child Support in Cases of Delayed Parental Notification

ONTP

<u>Sponsor(s)</u> BERUBE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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Under current law, a father is responsible for liabilities for past education and support retroactively up to 6 years even if the father did not know he was the father. LD 2564 proposed to limit a father's liabilities for past education and support for only the portion of the retroactive 6-year period after he receives knowledge or notice of paternity.

The bill also proposed to provide relief to Richard Bell for child support arrearage he had incurred under current law for a child he did not know existed.