

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2001

Members:

Sen. Anne M. Rand, Chair

Sen. Michael J. McAlevey

Sen. Norman K. Ferguson, Jr.

Rep. Charles C. LaVerdiere, Chair

Rep. Thomas D. Bull

Rep. Patricia T. Jacobs

Rep. Charles E. Mitchell

Rep. Christopher T. Muse

Rep. Deborah L. Simpson

Rep. David R. Madore

Rep. G. Paul Waterhouse

Rep. Stavros J. Mendros

Rep. Roger L. Sherman

Rep. Donna M. Loring

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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
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 First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Judiciary

Public Law 2001, chapter 50 provides that a person has a right to a jury trial in a civil action by the Attorney General or by an aggrieved person under the Maine Civil Rights Act. The right to a jury trial does not apply to a hearing on an application for a temporary restraining order or a preliminary injunction. The law also specifies where actions by aggrieved persons must be brought and restructures the sections of the Act relating to civil actions to make the law easier to read.

LD 85 An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation ONTP

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

LD 85 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%.

Committee Amendment "A" (H-462) is the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add a mandate preamble and a fiscal note to the bill. (Not adopted)

LD 119 An Act to Ban Partial Birth Abortion in the 3rd Trimester Except to Save the Life of the Mother ONTP

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

LD 119 proposed to prohibit a physician from performing a partial birth abortion during a mother's 3rd trimester of pregnancy unless it is necessary to preserve the life of the mother. Partial birth abortion was defined and a civil penalty of up to \$5,000 was specified.

See also LD 135.

LD 128 An Act to Amend the State Autopsy Law ONTP

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

LD 128 proposed to require a medical examiner to perform an autopsy when the family of a deceased person suspects that the person did not die of natural causes and requests the autopsy. The bill proposed to require the expenses of such an autopsy to be paid from the Victims' Compensation Fund.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-202) is the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add a fiscal note to the bill. (Not adopted)

LD 135

An Act to Ban Partial Birth Abortion

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P WATERHOUSE	ONTP	

LD 135 proposed to prohibit partial-birth abortions except when necessary to save the life of the mother. Performance of a partial-birth abortion in violation of the provisions of this bill would be a Class D crime.

See also LD 119.

LD 162

An Act to Change the Criteria for Intervenor Status

PUBLIC 58

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE MCALEVEY	OTP-AM	H-74

Under current law, the court is required to grant standing and intervenor status if it finds, in addition to other criteria, that a grandparent has an existing relationship or has made sufficient effort to establish a relationship with a child. LD 162 proposed to provide that this requirement need not be met when the child is six months old or younger at the time of the initial petition.

Committee Amendment "A" (H-74) proposed to rewrite the current law governing the criteria for standing and intervenor status of grandparents in child protective cases to clarify that all three criteria are required except when the child is no more than six months old at the time of the initial child protection petition. If the child is that young, the grandparents would not have to satisfy the criteria of an existing relationship with the child or sufficient efforts to establish a relationship.

Enacted law summary

Under current law, the court is required to grant standing and intervenor status in a child protection action if it finds, in addition to other criteria, that a grandparent has an existing relationship or has made sufficient effort to establish a relationship with the child. Public Law 2001, chapter 58 provides that this requirement need not be met when the child is six months old or younger at the time of the initial petition.