

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

LD 164

An Act to Provide Immunity for Guardians Ad Litem

ONTP

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

LD 164 proposed to provide immunity to guardians ad litem appointed by a court in child protection proceedings.

See also LD 724.

LD 178

An Act to Implement the Continuation of Service Recommendations of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf

P & S 12
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM REP	H-96
	OTP-AM REP	
	ONTP REP	

LD 178 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000. LD 178 proposed to require the Department of Mental Health, Mental Retardation and Substance Abuse Services to continue to provide counseling and other mental health services to former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf. These services would be provided at no cost to the service recipients.

Committee Amendment "A" (H-96) was the majority report of the Joint Standing Committee on Judiciary. It proposed to add a fiscal note to the bill.

Committee Amendment "B" (H-97) was a minority report of the Joint Standing Committee on Judiciary. It proposed to repeal on January 1, 2007 the language requiring the provision of services to former students at the Maine School for the Deaf and the Governor Baxter School for the Deaf. It also proposed to add a fiscal note to the bill. (Not adopted)

See also LD 271 and LD 293.

Enacted law summary

Private and Special Law 2001, chapter 12 is a recommendation of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf, created by Resolve 1999, chapter 127, Part B. The committee's final report was submitted in December 2000.

Joint Standing Committee on Judiciary

Private and Special Law 2001, chapter 12 requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to continue to provide counseling and other mental health services to former students of the Governor Baxter School for the Deaf and the Maine School for the Deaf. These services must be provided at no cost to the service recipients.

Private and Special Law 2001, chapter 12 was enacted as an emergency measure effective May 2, 2001.

LD 195

An Act to Place a Time Limit on the Award of Spousal Support

ONTP

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

LD 195 proposed to limit the payment of spousal support to a term not to exceed 1/2 the length of a marriage for parties who have been married up to 40 years and limit the payment of spousal support to 20 years for parties who have been married for more than 40 years.

Committee Amendment "A" (H-88), the minority report of the Judiciary Committee, proposed to limit the effect of the original bill to allow general spousal support to continue beyond the time limits stated in the bill if the former spouse receiving the spousal support is or becomes incapacitated to the extent that the former spouse can not be self-supporting financially once the payments end. If this occurs during the last six months of the scheduled payments, the obligee spouse may petition the court to modify the order, which the court may do after notice and a hearing. (Not adopted)

LD 202

An Act to Improve Maine's Jail Diversion Programs

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN		
DAGGETT		

LD 202 proposed to authorize the Judicial Department to establish mental health treatment programs in the Superior Courts and District Courts, possibly in conjunction with the drug courts.

This bill has been carried over to the Second Regular Session.