

# 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*

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*Rep. Stavros J. Mendros*

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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](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:

*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 724**

### An Act to Implement the Recommendations of the Courts' Guardian ad Litem Committee

**PUBLIC 253**

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

Public Law 1995, chapter 405, "An Act to Implement the Recommendations Resulting from the Study Concerning Parental Rights and Responsibilities When Domestic Abuse is Involved," requested the Supreme Judicial Court to develop a program to train, certify and supervise guardians ad litem. The court appointed a committee to oversee these tasks and the committee proposed rules and standards for guardians ad litem to the court, which were adopted in 1999.

In the course of its work, the committee identified a number of provisions of law that it felt needed to be corrected by appropriate legislation to harmonize existing provisions of the Maine Revised Statutes, Title 19-A and Title 22 of the Maine statutes.

**Committee Amendment "A" (H-339)** was the minority report. It proposed to delete the language providing quasi-judicial immunity to guardian ad litem in child protective cases. (Not adopted)

#### *Enacted law summary*

Public Law 2001, chapter 253 contains the recommendations of the Supreme Judicial Court's committee to oversee the development of a program to train, certify and supervise guardians ad litem. Chapter 253: amends the laws governing the Court Appointed Special Advocate Program, or "CASA," to clarify that court appointed special advocates have quasi-judicial immunity as do other guardians ad litem, and that, if a CASA volunteer is sued the volunteer is entitled to a defense by the Department of the Attorney General; clarifies the law to provide that a guardian ad litem's report in domestic relation cases is fully admissible and subject to a party's rights to cross-examine the guardian ad litem or call rebuttal witnesses as in cases arising under child protective laws; and amends the law to clarify that guardians ad litem in child abuse cases have quasi-judicial immunity, as in cases arising under the domestic relations laws.

**LD 744**

### An Act to Allow Private Maintenance of Public Easements

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCKEE NUTTING J	ONTP	

LD 744 proposed to allow persons who are directly benefited by a public easement to utilize a statutory procedure in the Maine Revised Statutes, Title 23, section 3101 for collecting funds to maintain the public easement. This bill was referred to the Judiciary Committee from the Transportation Committee. See also LD 1016.