

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

*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*

**Staff:**

*Margaret J. Reinsch, Principal Analyst*

*Deborah C. Friedman, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



**Maine State Legislature**  
**OFFICE OF POLICY AND LEGAL ANALYSIS**

13 State House Station, Augusta, Maine 04333-0013  
 Telephone: (207) 287-1670  
 Fax: (207) 287-1275

**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 1074**

**An Act to Require that any Proceedings Initiated by the Department of Human Services to Terminate Parental Rights Be Open**

**ONTP**

Sponsor(s)  
O'BRIEN J

Committee Report  
ONTP

Amendments Adopted

LD 1074 proposed to require that hearings on petitions to terminate parental rights in child protection proceedings must be open to the public unless a parent of the child objects.

See also LD 1793 and HP 1385.

**LD 1079**

**An Act to Protect Families by Easing the Standard of Proof for Certain Child Protection Hearings**

**ONTP**

Sponsor(s)  
MENDROS  
DAVIS P

Committee Report  
ONTP

Amendments Adopted

LD 1079 proposed to amend the Child and Family Services and Child Protection Act to increase the standard of proof from a preponderance of the evidence to clear and convincing evidence that a court uses in determining whether to grant a preliminary child protection petition, a jeopardy order or the review of a jeopardy order.

See also LD 1793 and HP 1385.

**LD 1080**

**An Act to Amend Article 9-A of the Uniform Commercial Code**

**PUBLIC 286  
EMERGENCY**

Sponsor(s)  
LAVERDIERE

Committee Report  
OTP-AM

Amendments Adopted  
H-412

LD 1080 proposed to amend the Maine Revised Statutes, Title 11, Article 9-A governing secured transactions to incorporate proposals of the Revised Article 9 Study Group convened by the Secretary of State.

**Committee Amendment "A" (H-412)** proposed to provide that an amendment to a Uniform Commercial Code financing statement that is recorded in a registry of deeds must contain the name of the debtor and the secured party. This amendment also proposed to correct incorrect statutory references.

*Enacted law summary*

## Joint Standing Committee on Judiciary

Public Law 2001, chapter 286 amends the Maine Revised Statutes, Title 11, Article 9-A to incorporate proposals of the Revised Article 9 Study Group convened by the Secretary of State. Chapter 286 provides that an amendment to a Uniform Commercial Code financing statement that is recorded in a registry of deeds must contain the name of the debtor and the secured party.

Public Law 2001, chapter 286 was enacted as an emergency effective May 25, 2001. Article 9-A of the Uniform Commercial Code takes effect July 1, 2001.

**LD 1111**                      **An Act to Increase the Civil Liability of Parents for the Criminal Conduct of their Children**                      **ONTP**

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

LD 1111 proposed to increase the cap on liability of a parent or guardian of a minor who intentionally causes damage to a person or property from \$800 to \$10,000.

**LD 1136**                      **An Act to Treat All Children with Dignity**                      **PUBLIC 217**

<u>Sponsor(s)</u> FULLER LONGLEY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-281
--	--	-----------------------------------	--	------------------------------------

LD 1136 proposed to remove from the Maine Revised Statutes the references to "illegitimate" or "bastard" child and substitute the phrase "child born to an unwed mother."

**Committee Amendment "A" (H-281)** proposed to replace the bill. It proposed to repeal a section dealing with warrants issued pursuant to bastardy actions and remove a reference to bastardy cases in the Probate Code.

### *Enacted law summary*

Public Law 2001, chapter 217 repeals a section of Maine Statutes dealing with warrants issued pursuant to bastardy actions and removes a reference to bastardy cases in the Probate Code. The statutes governing bastardy actions, which were used to require the father of a child born out wedlock to support the child, were repealed and replaced by the Uniform Act on Paternity in 1967.