

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

Staff:

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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 1355

An Act to Prohibit the Use of Memorandum Decisions

ONTP

<u>Sponsor(s)</u> SMALL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1355 proposed to prohibit a court from issuing a memorandum decision, which is a decision of the court that does not contain a formal opinion or reasons of the court for arriving at that decision.

LD 1364

An Act to Decrease the Length of Time a Person Has to Make Child Support Payments Before Being Considered Not In Compliance

ONTP

<u>Sponsor(s)</u> MCNEIL O'GARA		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1364 proposed to decrease from 60 days to 30 days the amount of time that a person required to pay child support may take to pay before being considered not in compliance with the support order with regard to license suspension procedures. If a person has the child support payment directly withdrawn from the person's bank account or paycheck, then the payment would be considered to have been made on the day of the withdrawal.

LD 1366

An Act Concerning Responsibilities of Conservators for Persons With Disability and Minors

PUBLIC 280

<u>Sponsor(s)</u> BERRY D PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-414
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LD 1366 proposed to require a conservator to file an annual report with the court. It also proposed to impose a fine of \$100 for each day that a conservator fails to file a completed inventory with the court.

Committee Amendment "A" (H-414) proposed to replace the bill. It proposed to repeal and replace the section of the current Probate Code dealing with inventory and records of a conservator of a protected person's estate.

Enacted law summary

Public Law 2001, chapter 280 updates current law and restructures the format covering the inventory and other records of the conservator of a protected person's estate. It provides a sanction for failing without good cause to file the inventory. The probate court may order the conservator to pay to the estate a minimum of \$100 and a maximum of the amount the court determines is the damage suffered by the estate because of the failure to file the inventory. These payments are in addition to any other remedy for fiduciary misconduct of the conservator. Similar changes are made to the section of the Probate Code dealing with accountings by conservators.