

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

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Rep. Christopher T. Muse

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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:

<i>CARRIED OVER</i>	<i>Bill Carried Over to Second Regular Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not To Pass report accepted</i>
<i>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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 1396

An Act to Encourage and Support a Mother's Decision to Breast-feed in this State

PUBLIC 206

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP A	
CATHCART	ONTP B	
	OTP-AM C	

LD 1396 proposed to amend the Maine Human Rights Act to declare that a mother has the right to breast-feed her baby in any location, whether public or private, as long as she is otherwise authorized to be in that location.

Committee Amendment "A" (H-278) was the minority report of the Joint Standing Committee on Judiciary. It proposed to provide a mother to breast feed in a place only if both she and the child are otherwise authorized to be in that place. (Not adopted)

Enacted law summary

Public Law 2001, chapter 206 amends the Maine Human Rights Act to declare that a mother has the right to breast-feed her baby in any location, whether public or private, as long as she is otherwise authorized to be in that location.

LD 1405

An Act to Encourage Joint Child Rearing Between Divorced Parents

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DORR	OTP-AM	H-499

LD 1405 proposed to establish the policy that parents should be awarded shared parental rights and responsibilities unless the court finds that the joint responsibility would not be in the child's best interest. The bill proposed to require the court to provide that the parents equally share the responsibility for providing their child's residential care, unless the court makes a finding that the equal sharing is not in the child's best interest.

Committee Amendment "A" (H-499) proposed to retain section 1 of the bill, which contains statements regarding the State's public policy concerning minor childrens' frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing to effect this policy.

This amendment proposed to replace the rest of the bill and include changes in the law concerning primary residential care of a child.

Enacted law summary

Joint Standing Committee on Judiciary

Public Law 2001, chapter 329 states the State's public policy to assure minor children of frequent and continuing contact with both parents after the parents have separated or dissolved their marriage, and that it is in the public interest to encourage parents to share the rights and responsibilities of child rearing to effect this policy. Chapter 329 provides that if one or both of the parents request shared primary residential care for a child, the court must consider shared primary residential care. If shared primary residential care is requested and the court does not make that award, the court must include in the order the reasons why shared primary residential care is not in the child's best interest.

LD 1406

An Act Creating Offenses Against Unborn Children

ONTP

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

LD 1406 proposed to create new crimes against unborn children. Punishment for intentionally or knowingly causing the death of an unborn child would be the same as for murder. Voluntary manslaughter of an unborn child would be a Class A crime. Recklessly causing the death of an unborn child would be a Class B crime, except that it would be reduced to a Class C crime if the death was caused by the reckless operation of a motor vehicle. Assault and aggravated assault on an unborn child would be Class D and Class C crimes, respectively.

These crimes would not apply to an abortion to which the pregnant woman has consented, nor would they apply to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment. These crimes would not apply to the pregnant woman.

Committee Amendment "A" (H-235) was the minority report of the Joint Standing Committee on Judiciary. The amendment proposed to add a fiscal note to the bill.

LD 1450

An Act to Protect Parents from Undue Influence in Child Protective Actions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS FERGUSON	ONTP	

LD 1450 proposed to require the Department of Human Services to provide written warnings to parents or custodians of children in child protective proceedings.

See also LD 1793 and HP 1385.