

# 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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**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](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 1494

An Act to Require Parental Notification of Abortion

ONTP

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

LD 1494 proposed to require parental notification before an abortion is performed or induced on a pregnant minor.

The bill proposed to require that notification be provided to one parent or, when the minor is in fear of physical, sexual or emotional abuse from a parent, to a specified relative, who may be a grandparent, a stepparent or a sister or brother who is 21 years of age or older.

The bill also proposed to allow for alternative procedures whereby the minor may seek court approval for the proposed abortion and proposed to establish the procedures for judicial review and appeals.

**Committee Amendment "A" (H-234)** was the minority report of the Joint Standing Committee on Judiciary. The amendment proposed to add a fiscal note to the bill. (Not adopted)

**House Amendment "A" to Committee Amendment "A" (H-264)** proposed to provide a 3rd option besides parental notification or judicial review. Under this amendment, if the pregnant minor alleged abuse or neglect such that notifying the minor's parent was not in the minor's best interest, an abortion could be performed if the minor were accompanied by an adult counselor to the physician's office. The amendment proposed to provide a definition of "counselor" that ensures that the counselor may have no affiliation with an organization that makes abortion referrals or provides abortion services. This amendment proposed to correct a reference in the bill. (Not adopted)

**LD 1522**

An Act to Clarify the Status of Support Obligations if an Obligor Begins to Receive Public Assistance

PUBLIC 255

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ ONTP MIN	H-332

LD 1522 was a recommendation of the Family Law Advisory Commission.

Current law provides that a parent obligated under a court or administrative order to pay child support is not required to pay the support while receiving public assistance. This bill proposed to retain that effect by explicitly establishing a rebuttable presumption that an obligor receiving certain public assistance has no capacity to pay child support. The bill also proposed to provide, however, the opportunity for the person who is to receive the support under the order, the obligee, to have the court or hearing officer review whether the obligor actually has no capacity to pay child support. This bill proposed to use the existing definition of "public assistance," except that it does not apply if the public assistance provided is medical care only.

The Department of Human Services would be required to provide notices to the obligee and the obligor about the obligor's status, the presumption of no capacity to pay child support, the child support obligation resulting from the

## Joint Standing Committee on Judiciary

application of the presumption, the obligee's opportunity to modify the effect of the presumption and the location where forms for modification proceedings can be obtained. Blank forms for initiating modification actions would be required to be included with the notices.

**Committee Amendment "A" (H-332)** was the majority report of the Joint Standing Committee on Judiciary. It is recommended by the Family Law Advisory Commission, which proposed the bill. The amendment proposed to remove the proposed presumption concerning the obligor's capacity to pay child support and replace it with a suspension of the child support obligation for an obligor who receives supplemental security income or public assistance for the benefit of a child of that obligor.

### *Enacted law summary*

Public Law 2001, chapter 255 is a recommendation of the Family Law Advisory Commission. Current law provides that a parent obligated under a court or administrative order to pay child support is not required to pay the support while receiving public assistance. Chapter 255 suspends the child support obligation for an obligor who receives supplemental security income or public assistance for the benefit of a child of that obligor. The law also provides, however, the opportunity for the person who is to receive the support under the order, the obligee, to have the court or hearing officer review whether the obligor actually has no capacity to pay child support. The Department of Human Services is required to provide notices to the obligee and the obligor about the obligor's status, the lack of capacity to pay child support, the child support obligation resulting from the application of the suspension, the obligee's opportunity to modify the effect of the suspension and the location where forms for modification proceedings can be obtained. Blank forms for initiating modification actions must be included with the notices.

**LD 1525**

**An Act Concerning Real Estate Titles**

**ONTP**

Sponsor(s)  
NORBERT  
BROMLEY

Committee Report  
ONTP

Amendments Adopted

LD 1525 proposed to provide for the creation of a lien that continues for a period of 10 years from date of recording. The lien would protect the creditor by having available a renewal for a period of 10 years. The lien also would have had a transition renewal time period of two years from the date of enactment of this bill.

See also LD 709.