

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:

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).

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 1602

An Act to Prevent Violence Against Pregnant Mothers

ONTP

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

LD 1602 proposed to create a new crime against unborn children and pregnant mothers. Voluntary manslaughter of an unborn child would be a Class A crime and consist of intentionally or knowingly causing the death of an unborn child when the perpetrator knows the woman is pregnant and the woman wishes to continue the pregnancy.

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-236) was the minority report of the Joint Standing Committee on Judiciary. It proposed to replace the bill.

It proposed to amend the existing aggravated assault law to include a prohibition against intentionally, knowingly or recklessly causing bodily injury to a person who is pregnant when the actor knew the person was pregnant and the actor intended to terminate the pregnancy. The bodily injury would not have to result in the termination of the pregnancy. The crime would not apply to an abortion to which the pregnant person has consented. Such an aggravated assault would be a Class B crime.

It also proposed to amend the existing elevated aggravated assault law to include a prohibition against intentionally or knowingly causing serious bodily injury to a person that the actor knows is pregnant, and the actor has the intent to terminate the pregnancy. "Serious bodily injury" would specifically include the termination of the pregnancy. The new provisions would not apply to an abortion to which the pregnant woman consented. (Not adopted)

LD 1609

An Act to Provide a Family Bill of Rights

ONTP

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

LD 1609 proposed to amend the Child and Family Services and Child Protection Act concerning requirements governing guardians ad litem, intervener status of long-term foster parents, the confidentiality of proceedings,

Joint Standing Committee on Judiciary

services provided by the Department of Human Services, and the inclusion of relatives in conferences to determine the placement of a child.

See also LD 1793 and HP 1385.

LD 1611 **Resolve, to Establish a Task Force to Study Parenting Alienation Syndrome and Related Issues** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	ONTP	

LD 1611 proposed to establish a task force to study parent alienation syndrome and related issues of custodial parents, the actions and responsibilities of the Department of Human Services and domestic violence.

LD 1624 **An Act Concerning the Payment of Child Support** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAWES O'GARA		

LD 1624 proposed to provide an additional child support collection tool for the Department of Human Services. It proposed to require that employers who hire persons on a contract basis for \$2,500 or more report the names, addresses and social security numbers to the Department of Human Services. It also proposed that increases in collections of debt owed the department and not owed to anyone else over \$7,406,560 must be used to increase TANF and Parents as Scholars Program cash assistance levels until Maine's maximum level for a family of three reaches the New England average.

This bill has been carried over to the Second Regular Session.

LD 1645 **An Act to Address Confidentiality of Records in the Medical Examiner Act** **PUBLIC 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE RAND	OTP-AM	H-282

LD 1645 proposed to amend the Medical Examiner Act to address issues of confidentiality.

In addition to incorporating those records currently made confidential, the bill proposed to significantly broaden current law by including as confidential communications with the office of a district attorney relating to a medical