

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).

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 1650

An Act to Require Substance Abuse Assessment and Treatment for Parents of Children Referred to Child Protective Services

ONTP

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

LD 1650 proposed to require substance abuse assessments and treatments to be available and ordered when necessary for parents who are referred to child protective services. It also proposed to provide \$3,000,000 over the biennium to provide those assessments and services.

LD 1658

An Act Regarding Passamaquoddy Land in Township 19, M.D.

PUBLIC 251

<u>Sponsor(s)</u> SOCTOMAH SHOREY	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
---	--------------------------------	---------------------------

LD 1658 proposed to amend the Act to Implement the Maine Indian Claims Settlement Act concerning the Trust Lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States would have until January 31, 2020 to acquire and place in trust on behalf of the Passamaquoddy Tribe all purchased land in Township 19, Middle District.

Enacted law summary

Public Law 2001, chapter 251 amends the Act to Implement the Maine Indian Claims Settlement Act concerning the territory of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2020 to acquire and place in trust on behalf of the Passamaquoddy Tribe all purchased land in Township 19, Middle District. If that deadline is met, the purchased land becomes part of the Indian Territory of the Passamaquoddy Tribe.

LD 1670

An Act Regarding Child Abandonment

CARRIED OVER

<u>Sponsor(s)</u> KILKELLY O'BRIEN L	<u>Committee Report</u>	<u>Amendments Adopted</u>
--	-------------------------	---------------------------

LD 1670 proposed to amend the law to deal with infants abandoned by their parents. It proposed to create an affirmative defense to the crime of abandonment of a child if the child was 31 days or younger and the person charged delivered the child to a hospital emergency room or to a police officer, firefighter, medical services

Joint Standing Committee on Judiciary

provider or hospital staff member. This bill proposed to ensure anonymity for the person delivering the child and terminating the parental rights and responsibilities of the parent delivering the child.

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

LD 1681

An Act Relating to Personal Privacy and Governmental Information Practices

PUBLIC 321

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM MAJ	H-461
	ONTP MIN	

LD 1681 proposed to implement several of the recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. It proposed to require state and local governments to include notice of their information practices on their publicly accessible sites on the Internet. The notice would inform the public about what information is being collected via the Internet site, how it will be used, how to access and correct information and what security measures are taken by the governments to prevent improper use of that information.

The bill also proposed to require state agencies to include in their review under the State Government Evaluation Act an analysis of their information practices and their use of information technology. Finally, the bill proposed to create a commission to examine public concern about collection of personal information by governmental entities and to create a comprehensive information practices law governing collection and management of personal information by governmental entities.

Committee Amendment "A" (H-461) proposed to strike the Part of the bill creating a commission to review governmental information policy. The issues to be studied by the commission were assigned to the study commission proposed in LD 872.

Enacted law summary

Public Law 2001, chapter 321 relates to personal privacy and governmental information practices, and is based on recommendations of the Blue Ribbon Commission to Establish a Comprehensive Internet Policy. Chapter 321 requires state and local governments to include notice of their information practices on their publicly accessible sites on the Internet. The notice would inform the public about what information is being collected via the publicly accessible site on the Internet, how it will be used, how to access and correct information and what security measures are taken by the governments to prevent improper use of that information. Chapter 321 also requires state agencies to include in their review under the State Government Evaluation Act an analysis of their information practices and their use of information technology.