

# MAINE STATE LEGISLATURE

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*State Of Maine  
120th Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*May 2002*

**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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**120th Legislature**  
**Second Regular Session**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 2002**

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 arranged alphabetically by committee name 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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PASSED</i> .....	<i>Joint Order passed in both bodies</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 Second Regular Session (unless otherwise specified in a particular law) is July 25, 2002.

**Patrick T. Norton, Interim Director**  
**Offices located in Room 215 of the Cross Office Building**

## Joint Standing Committee on Judiciary

**Committee Amendment "A" (H-851)**, in addition to other changes, proposed to set out specific rules for allocating income from harvesting timber.

This amendment proposed to include Maine Comments to explain deviations from NUPIA.

### *Enacted law summary*

Public Law 2001, chapter 544 enacts the Uniform Principal and Income Act of 1997, adopted by the National Conference of Commissioners on Uniform State Laws in 1997. It provides rules for handling trust principal, income, receipts and disbursements. The Act takes effect January 1, 2003, and it applies to trusts and decedent's estates starting with the first fiscal year of the trust or decedent's estate that begins on or after January 1, 2003, unless the terms of the trust or will expressly provide otherwise.

**LD 1624**

**An Act Concerning the Payment of Child Support**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAWES	ONTP MAJ	
O'GARA	OTP-AM MIN	

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.

In addition, the bill proposed to require 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 3 reaches the New England average.

**Committee Amendment "A" (H-830)**, the minority report of the Joint Standing Committee on Judiciary, proposed to replace the bill. It proposed to require the reporting of the hiring of independent contractors to the Department of Human Services in order to locate people who should be paying child support and to verify their ability to pay. Those required to report would be the State and any employer who contracts with the State to provide services worth more than \$1,000. (Not adopted)

**LD 1670**

**An Act Regarding Child Abandonment**

**PUBLIC 543**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	OTP-AM	S-447
O'BRIEN L		

LD 1670 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 provider or hospital staff member. This bill also proposed to ensure anonymity for the person delivering the child and to terminate the parental rights and responsibilities of the parent delivering the child.

## Joint Standing Committee on Judiciary

**Committee Amendment "A" (S-447)** proposed to replace the bill to provide procedures for the safe abandonment of an infant without criminal liability for abandonment.

### *Enacted law summary*

Public Law 2001, chapter 543 provides simple procedures for a person who wants to abandon a baby in a safe manner. It provides an affirmative defense to the prosecution for the crime of abandonment of a child. The affirmative defense is available for a person who delivers a child less than 31 days old to: a law enforcement officer; staff at a medical emergency room, not limited to a hospital emergency room; a medical services provider; or a hospital staff member. The safe haven provider may request information that would be helpful to the child's welfare, but may not detain anyone who is delivering the child in order to collect the information. Any information that is supplied must be provided to the Department of Human Services. The Department of Human Services is directed to establish guidelines to assist a safe haven provider concerning procedures to follow when a child is delivered to the safe haven provider. The person or entity who accepts a child under this Act or provides temporary custody of a child accepted under this Act is immune from civil, criminal and administrative liability for acting under this section if the person or entity acts in good faith, believing the action is required or authorized.

**LD 1734**

**An Act to Promote Safe Schools**

**ONTP**

Sponsor(s)  
DUDLEY

Committee Report  
ONTP

Amendments Adopted

LD 1734 proposed to allow a student who is harassed or assaulted on school grounds or during a school supervised activity for reasons of the race, color, religion, sex, ancestry, national origin, physical or mental disability or sexual orientation of the student to sue the school administrative unit for failing to prevent the abuse.

**LD 1770**

**An Act Regarding Public Charities, Nonprofit Corporations and Conversions of Nonprofit Entities to For-profit Entities**

**PUBLIC 550**

Sponsor(s)  
SAXL  
RAND

Committee Report  
OTP-AM MAJ  
ONTP MIN

Amendments Adopted  
H-869

LD 1770 proposed to amend several laws relating to nonprofit corporations and public charities. It proposed to give the Attorney General civil investigatory powers to enforce proper application of charitable funds. It proposed to require the Attorney General to review all conversion transactions involving public charities, and to require court approval for all such transactions, unless the Attorney General decides to waive court approval. The bill proposed to require the Attorney General to hold a public hearing on the transaction if 150 people sign a petition requesting such a hearing. The bill also proposed criteria for the court to consider in determining whether to approve the transaction. Finally, the bill proposed to amend the Maine Nonprofit Corporation Act to divide all such corporations into one of 2 categories: public benefit corporations and mutual benefit corporations. The bill also proposed to restrict the membership of financially interested persons on the board of public benefit corporations, to require that such corporations notify the Attorney General of significant changes in the