

# 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*

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*Rep. Stavros J. Mendros*

*Rep. Roger L. Sherman*

*Rep. Donna M. Loring*

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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 1689

An Act to Amend the State's Abortion Reporting Law

ONTP

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

LD 1689 proposed to revise the abortion reporting law to require the reporting of very specific information about each abortion performed while maintaining the confidentiality of the patients and physicians. It proposed to require the Department of Human Services to compile the information and make a report available on an annual basis. Failure to report as required would be a Class D crime. Falsifying or altering a reporting form could result in a forfeiture of up to \$1,000.

**Committee Amendment "A" (S-103)** was the minority report of the Joint Standing Committee on Judiciary. This amendment proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

**LD 1696**

An Act to Allow the Chief Medical Examiner to Assume the Responsibility for the Disposition of Human Remains

PUBLIC 292

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE	OTP-AM	H-340
LONGLEY		

LD 1696 proposed to add a new provision to the Medical Examiner Act to allow the Chief Medical Examiner to assume responsibility for proper disposition of dead bodies of identified nonresidents or unidentified dead bodies that are the subject of medical examiner cases when no other person or governmental unit is willing to take responsibility for disposition.

**Committee Amendment "A" (H-340)** proposed to replace the bill and proposed to do the following:

Clarify that the Chief Medical Examiner's responsibility for disposition of an identified deceased nonresident or unidentified body is conditioned upon the Chief Medical Examiner, after reasonable inquiry, being unsuccessful in either locating next of kin in the context of a deceased nonresident, another person or a governmental unit legally responsible for disposition or locating another person or governmental unit willing to undertake responsibility notwithstanding the absence of a legal duty; and

Specify that any necessary expenses incurred by the Chief Medical Examiner for proper disposition are the responsibility of the Department of Human Services, except in the event that a deceased nonresident is an illegal alien or the deceased is not identified but the Chief Medical Examiner, after reasonable inquiry, determines the deceased is an illegal alien. In those special circumstances, the necessary expenses incurred by the Chief Medical Examiner for proper disposal are the responsibility of the Department of the Attorney General.

## Joint Standing Committee on Judiciary

### *Enacted law summary*

Public Law 2001, chapter 292 adds a new provision to the Medical Examiner Act to allow the Chief Medical Examiner to assume responsibility for proper disposition of dead bodies of identified nonresidents or unidentified dead bodies that are the subject of medical examiner cases when no other person or governmental unit is willing to take responsibility for disposition. The necessary expenses incurred by the Chief Medical Examiner are to be paid by the Department of Human Services or the Department of the Attorney General.

**LD 1699**

**An Act to Make Certain Changes in the Child Welfare Laws**

**ONTP**

Sponsor(s)  
DUDLEY

Committee Report  
ONTP

Amendments Adopted

LD 1699 proposed to amend the law concerning disclosure in the investigation of the abuse or neglect of a child to authorize that disclosure if a child has nearly died. The bill proposed to add foster parents to the list of persons who must report suspected child abuse and neglect. The bill also proposed to provide for ongoing judicial review when a child is placed with a foster parent.

See also LD 1066, LD 1793 and HP 1385.

**LD 1705**

**An Act to Make Certain Technical and Clarifying Changes to the Medical Examiner Act**

**PUBLIC 222**

Sponsor(s)  
KANE  
LONGLEY

Committee Report  
OTP-AM

Amendments Adopted  
H-283

LD 1705 proposed to amend the Medical Examiner Act by making grammatical changes and correcting gender-specific language; replacing, in the context of medical examiner cases, the term "violence" with the more readily understandable phrase "physical injury;" clarifying the reporting requirements of suspected medical examiner cases by including the definition of "person;" clarifying the procedures for investigations by law enforcement officers; clarifying that the current rule-making authorization delegated to the Chief Medical Examiner is in the category of routine technical rules; and modifying the limitation on civil liability of certain persons permanently or temporarily appointed or retained under the Medical Examiner Act to make clear that all such persons, while undertaking their duties, are each an "employee" for the purposes of the Maine Tort Claims Act.

**Committee Amendment "A" (H-283)** proposed to remove section 9 of the bill to avoid a conflict with another bill amending the same provision of statute slightly differently.