

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

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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).

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

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.

Joint Standing Committee on Judiciary

Enacted law summary

Public Law 2001, chapter 222 amends the Medical Examiner Act as follows.

It replaces, in the context of medical examiner cases, the term "violence" with the more readily understandable phrase "physical injury."

It clarifies the reporting requirements of suspected medical examiner cases by including the definition of "person."

It clarifies the procedures for investigations by law enforcement officers.

It clarifies that the current rule-making authorization delegated to the Chief Medical Examiner has been assigned the category of routine technical rules under the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

It modifies 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.

LD 1716

An Act to Improve Child Support Services

PUBLIC 264

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS MILLS	OTP-AM	H-343

LD 1716 proposed to make several changes to the laws concerning child support.

Committee Amendment "A" (H-343) proposed to address four issues in the bill: extraordinary medical expenses, pro rata share of health insurance premiums, tax exemptions and a new hearsay exception.

Enacted law summary

Public Law 2001, chapter 264 makes several changes to the laws concerning child support. It revises the definition of "extraordinary medical expenses," and includes the actual costs of health insurance premiums paid by a party in the child support obligation and allows the hearing officers to obligate the responsible parent for that parent's proportionate share of the health insurance premium that is paid by the other parent. It includes the self-support reserve for certain obligors. It changes the criteria related to tax consequences as the child support tables assume the primary residential care provider receives all the tax benefits. It removes the incremental cost of health insurance as this is included in the child support obligation. It authorizes the court to consider which party may benefit the most from the allocation of tax exemptions for the children. It amends the law concerning interstate cooperation to conform to a federal mandate that child support orders be established in accordance with child support guidelines and not be based on the amount of public assistance expended. It states specifically that spousal support is also assigned to the Department of Human Services when the person receives public assistance, as