

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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Maine State Legislature
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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 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

Joint Standing Committee on Judiciary

required by federal law, 42 United States Code, Section 608. It adds a new hearsay exception that allows responses from employers, businesses and financial institutions to be introduced in court without the need for the employer's, business's or financial institution's presence for verification, as the records are held in the ordinary course of business.

LD 1721

An Act to Allow Expressly Authorized Persons to Conduct Investigations for the Chief Medical Examiner

PUBLIC 291

Sponsor(s)
MARTIN
BERRY R

Committee Report
OTP

Amendments Adopted

LD 1721 proposed to allow the Chief Medical Examiner to expressly authorize a person to conduct the investigation and examination on any case reported to the Office of Chief Medical Examiner.

Enacted law summary

Public Law 2001, chapter 291 allows the Chief Medical Examiner to expressly authorize a person to conduct the investigation and examination on any case reported to the Office of Chief Medical Examiner.

LD 1734

An Act to Promote Safe Schools

CARRIED OVER

Sponsor(s)
DUDLEY

Committee Report

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.

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

LD 1751

An Act to Amend the Maine Commission on Domestic Abuse

PUBLIC 240

Sponsor(s)
NORBERT
RAND

Committee Report
OTP-AM

Amendments Adopted
H-341

LD 1751 proposed to make changes to the composition of the Maine Commission on Domestic Abuse and require the commission to report biennially to the Legislature.