

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

Committee Amendment "A" (H-341) proposed to replace the bill in order to change the name and duties of the Maine Commission on Domestic Abuse to cover both domestic and sexual abuse. The proposed new name of the commission is the Maine Commission on Domestic and Sexual Abuse.

The amendment proposed to correct the reference to members appointed by the Governor to represent the coalition of sexual assault centers.

The amendment proposed to add one member, appointed by the Governor, who has experience working with batterers' intervention programs.

The amendment proposed to clarify the language to require the commission to report to the joint standing committee of the legislature having jurisdiction over judiciary matters every two years, beginning January 30, 2002.

The amendment also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 240 adds members to the membership of the Maine Commission on Domestic Abuse, and requires the commission to report biennially to the Legislature. The Commission becomes the Maine Commission on Domestic and Sexual Abuse.

LD 1770 An Act Regarding Conversions of Nonprofit Entities to For-profit Entities CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL RAND		

LD 1770 proposed to amend statutes relating to the oversight of public charities by the Attorney General and to enact or amend laws relating to conversions of nonprofit entities to for-profit entities, management of institutional funds, duties and authority of directors and officers of nonprofit corporations, standards of conduct for directors and other matters relating to nonprofit corporations.

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

LD 1793 Resolve, to Establish the Commission to Review the Child Protective System DIED ON ADJOURNMENT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>

Joint Standing Committee on Judiciary

LD 1793 was reported out by the Joint Standing Committee on Judiciary pursuant to Joint Order, HP 1303. The Resolve proposed to establish a study commission to examine certain elements of the child protective system. LD 1793 was replaced by Joint Order, HP 1385.

SP 423 **Joint Study Order to Establish the Joint Study Committee to Study the Need for Additional Civil Legal Resources** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u> TREAT		<u>Committee Report</u> OTP ONTP		<u>Amendments Adopted</u>
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This Joint Order proposed to create a six-member committee of legislators to study the need, if any, for additional civil legal resources.

HP 1385 **Joint Study Order to Establish the Commission to Review the Child Protective System** **READ AND PASSED**

<u>Sponsor(s)</u> SAXL		<u>Committee Report</u>		<u>Amendments Adopted</u>
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Enacted law summary

This Joint Order creates a study commission to examine many factors about the child protective system. It takes the place of LD 1793, which was reported out of the Joint Standing Committee on Judiciary to replace several bills that were proposed to amend the child protective system. The study commission consists of 10 members, appointed by the President of the Senate and the Speaker of the House of Representatives, plus the Commissioner of the Department of Human Services is requested to appoint a child protective caseworker or supervisor to serve as a member. The Chief Justice of the Supreme Judicial Court is requested to appoint a District Court Judge to participate with the commission.

The commission's duties include reviewing the issues raised by the many bills introduced into the First Regular Session of the 120th Legislature and to review and investigate specific problems and questions in the child protective system. These duties focus mainly on the legal rights and duties of parents, guardians ad litem, the Department of Human Services and other participants in the child protective legal system. The commission is charged with making recommendations for changes in laws, rules and procedures and to report back to the Joint Standing Committee on Judiciary no later than December 5, 2001. The Joint Standing Committee on Judiciary may report out legislation related to the report.