

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

*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

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

Staff:

Margaret J. Reinsch, Principal Analyst

Deborah C. Friedman, Senior Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207) 287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

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).

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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 "C" (H-1033) was the unanimous report when the bill was recommitted to committee. It proposed to replace the bill. It proposed to require the court, when establishing parental rights and visitation concerning a child, to take into account a parent's convictions for sex offenses and sexually violent offenses. The court would retain discretion to weigh the information and how the existence of any convictions affects the best interests of the child. The same consideration must be taken when establishing grandparents' visitation.

This amendment proposed to require that in order to award primary residence to a person who is convicted of a child-related sexual offense, the court must find that it is in the best interests of the child and that adequate provision can be made to ensure the child's safety.

The same finding would be required when the court orders visitation and contact with a grandparent who is convicted of a child-related sexual offense.

House Amendment "A" to Committee Amendment "A" (H-888) proposed to prohibit the court from awarding primary custody to a person who is convicted of a child-related sexual offense.

This amendment proposed to permit the court to award parent-child contact with a person convicted of a child-related sexual offense, but only if the contact is appropriately supervised. The same supervision is required when the court orders visitation and contact with a grandparent who is convicted of a child-related sexual offense. (Not adopted)

Enacted law summary

Public Law 2001, chapter 665 requires the court, when establishing parental rights and visitation concerning a child, to take into account a parent's convictions for sex offenses and sexually violent offenses. The court retains discretion to weigh the information and how the existence of any convictions affects the best interests of the child. The same consideration must be taken when establishing grandparents' visitation.

Chapter 665 also requires that in order to award primary residence to a person who is convicted of a child-related sexual offense, the court must find that it is in the best interests of the child and that adequate provision can be made to ensure the child's safety. The same finding is required when the court orders visitation and contact with a grandparent who is convicted of a child-related sexual offense.

LD 1980

An Act to Extend the Period During Which the Passamaquoddy Tribe May Acquire Land in the City of Calais

**VETO
SUSTAINED**

Sponsor(s)
MORRISON
YOUNGBLOOD

Committee Report
OTP

Amendments Adopted

LD 1980 proposed to extend until the year 2020 the option for the Passamaquoddy Tribe to acquire land in the City of Calais. This bill was vetoed by the Governor, and the House of Representatives sustained the veto.