

MAINE STATE LEGISLATURE

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*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

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Maine State Legislature
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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 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.

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:

- 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
PASSED..... Joint Order passed in both bodies
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 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

LD 1986 **An Act to Allow the State to Attach and Hold in Escrow Funds From Legal Settlements and Awards for the Purpose of Paying Child Support Obligations** **ONTP**

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|-------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> KILKELLY | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-------------------------------|--|---------------------------------|--|---------------------------|

LD 1986 was a concept draft pursuant to Joint Rule 208. It proposed to allow the State to attach and hold in escrow funds from legal settlements or awards, to be used to pay the recipients' child support obligations.

LD 1994 **An Act Concerning Passamaquoddy Land in Grand Lake Stream Plantation** **ONTP**

| | | | | |
|-------------------------------|--|---------------------------------|--|---------------------------|
| <u>Sponsor(s)</u> SOCTOMAH | | <u>Committee Report</u> ONTP | | <u>Amendments Adopted</u> |
|-------------------------------|--|---------------------------------|--|---------------------------|

LD 1994 proposed to add land in Grand Lake Stream Plantation to the Passamaquoddy Indian Reservation.

LD 2010 **An Act to Amend the Laws Governing Background Checks on Prospective Adoptive Parents** **PUBLIC 546**

| | | | | |
|------------------------------|--|-----------------------------------|--|------------------------------------|
| <u>Sponsor(s)</u> TESSIER | | <u>Committee Report</u> OTP-AM | | <u>Amendments Adopted</u> H-856 |
|------------------------------|--|-----------------------------------|--|------------------------------------|

LD 2010 proposed to amend the laws governing background checks on prospective adoptive parents to accept as meeting the requirement a background check completed in the prior two years by a licensed child-placing agency and to require that the background check occur prior to placement of the child with the family.

Committee Amendment "A" (H-856) proposed to eliminate the proposed requirement that a prospective adoptive parent complete a background check prior to placement of the adoptee with that person. It also proposed to allow the Probate Court to waive a subsequent background check in certain circumstances.

Enacted law summary

Public Law 2001, chapter 546 amends the laws concerning background checks of prospective adoptive parents. It allows the Probate Court to waive a subsequent background check, including the criminal history check based on fingerprinting, if a background check under this requirement on the same person was completed within a reasonable period of time and the Probate Court is satisfied that nothing new that would be included in the background check has transpired since the last check.