

# 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*

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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 2019

**An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking**

**PUBLIC 539**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL RAND	OTP-AM	H-855 H-866 DUPLESSIE

LD 2019 proposed to establish the Address Confidentiality Program to be administered by the Secretary of State.

**Committee Amendment "A" (H-855)** proposed to revise language in the proposed Address Confidentiality Program concerning filing applications containing false or incorrect information or falsely claiming the need for participation in the program.

**House Amendment "A" (H-866)** was presented on behalf of the Committee on Bills in the Second Reading. It proposed to correct designation of rules to conform with the terms used in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

### *Enacted law summary*

Public Law 2001, chapter 539 establishes the Address Confidentiality Program to be administered by the Secretary of State. The program provides state and local agencies with the ability to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking or sexual assault. The program enables interagency cooperation with the Secretary of State in providing address confidentiality for victims of domestic violence, stalking or sexual assault and enables state and local agencies to accept a program participant's use of an address designated by the Secretary of State as a substitute mailing address.

**LD 2025**

**An Act to Make Certain Changes to the State's Child Support Enforcement Laws**

**PUBLIC 554  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS MILLS	OTP-AM	H-868

LD 2025 proposed to amend the child support laws concerning the establishment and enforcement of child support.

**Committee Amendment "A" (H-868)** proposed to limit the authorization for DHS employees who are not attorneys to represent the Department in Probate Court.

This amendment proposed to amend the paternity statute to address proceedings in which there is more than one alleged father of the same child.

This amendment proposed to clarify the responsibility of the Department of Human Services, in consultation with the Supreme Judicial Court and other interested parties, to adopt the child support table by rule.

## Joint Standing Committee on Judiciary

This amendment proposed to clarify that the definition of "extraordinary medical expenses" is based on recurring, uninsured medical expenses in excess of \$250 per child or group of children per calendar year.

This amendment proposed to add to the statute language concerning how to calculate a child support obligation for extremely low-income child support obligors.

This amendment also proposed to clarify that a person who files an action to establish or vacate a paternity order or support order, to enforce a support order, to amend a support order or to collect support arrearages must send a copy of the motion to the Department of Human Services when the motion is filed if public assistance is involved or if the department provides support enforcement services.

This amendment proposed to add an emergency preamble and emergency clause to make the bill take effect immediately to bring the State into compliance with federal requirements concerning the National Medical Support Notice.

### *Enacted law summary*

Public Law 2001, chapter 554 amends the statutes governing child support establishment and enforcement. It authorizes Department of Human Services employees who are not attorneys to represent the department in probate court in cases involving child support enforcement, although they are not permitted to prepare and file motions in Probate Court. It amends the paternity statute to address proceedings in which there is more than one alleged father of the same child. It authorizes the Department of Human Services to require an alleged father to submit to blood or tissue-typing tests prior to accepting an acknowledgement if it appears there is more than one alleged father. If the alleged father refuses the testing, the department may file an action in court. It clarifies the responsibility of the Department of Human Services, in consultation with the Supreme Judicial Court and other interested parties, to adopt the child support table by rule. It clarifies that the definition of "extraordinary medical expenses" is based on recurring, uninsured medical expenses in excess of \$250 per child or group of children per calendar year. It adds to the statute language concerning how to calculate a child support obligation for extremely low-income child support obligors (the "self-support reserve"). Chapter 554 amends existing law to require the use of the federally adopted National Medical Support Notice, used to ensure health insurance coverage for obligors' children as required by court orders. This form takes the place of what is currently termed the "health insurance withholding order." A state child support enforcement program is not in compliance with federal requirements and is subject to loss of federal child support enforcement grants if the form is not used. Chapter 554 also clarifies that a person who files an action to establish or vacate a paternity order or support order, to enforce a support order, to amend a support order or to collect support arrearages must send a copy of the motion to the Department of Human Services when the motion is filed if public assistance is involved or if the department provides support enforcement services.

Public Law 2001, chapter 554 was enacted as an emergency measure effective March 25, 2002.