

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2005

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

*Rep. Deborah L. Pelletier-Simpson,
Chair*

Rep. Sean Faircloth

Rep. Stan Gerzofsky

Rep. Marilyn E. Canavan

Rep. Mark E. Bryant

Rep. Michael Edward Dunn

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Joan Bryant-Deschenes

Rep. Joan M. Nass

Rep. Donna M. Loring

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Judiciary

LD 25 **An Act To Educate Women on the Medical Risks Associated with Abortion** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPREY	ONTP MAJ	
SNOWE-MELLO	OTP-AM MIN	

LD 25 proposed to amend the laws governing informed consent to abortion to require the attending physician to provide the woman with certain information orally and in writing at least 24 hours prior to performing an abortion. The information required would include the probable gestational age and anatomical development of the fetus at the time of the scheduled abortion; the physical and psychological risks associated with abortion and the abortion technique to be performed, in view of the patient's own pregnancy, including risks identified in a pamphlet to be published and distributed to doctors by the Department of Health and Human Services, Bureau of Health; and the name of the physician who is to perform the abortion.

Committee Amendment "A" (H-650), the minority report of the Joint Standing Committee on Judiciary, proposed to add an appropriations and allocations section to the bill. (Not adopted)

LD 34 **An Act To Institute Loser-pay Litigation in the State of Maine** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLUKEY	ONTP MAJ	
SHERMAN	OTP MIN	

LD 34 proposed to require that the losing party in civil litigation pay the reasonable attorney's fees of the prevailing party.

LD 51 **Resolve, To Encourage Parents To Choose To Dedicate a Portion of Child Support Payments to College Investment Accounts** **RESOLVE 90**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARSTOW	OTP-AM	H-495
COWGER		

LD 51 proposed to direct the Treasurer of State, in consultation with the Department of Health and Human Services and the Judicial Department, to research methods of encouraging the use of college investment accounts by parents paying child support.

Committee Amendment "A" (H-495) proposed to replace the resolve. It proposed to direct the Treasurer of State, in consultation with the Department of Health and Human Services, the Family Law Advisory Commission and the Judicial Department, to research methods of encouraging the use of college investment accounts by parents who do not provide the primary residence for their children and who are paying child support, without reducing the resources that are available to pay the current support needs of the children involved. It proposed a

Joint Standing Committee on Judiciary

report by the Treasurer by January 15, 2006, and proposed to authorize the Joint Standing Committee on Judiciary to report out legislation to the Second Regular Session of the 122nd Legislature.

Enacted law summary

Resolve 2005, chapter 90 directs the Treasurer of State, in consultation with the Department of Health and Human Services, the Family Law Advisory Commission and the Judicial Department, to research methods of encouraging the use of college investment accounts by parents who do not provide the primary residence for their children and who are paying child support, without reducing the resources that are available to pay the current support needs of the children involved. The resolve also requires the Treasurer of State to submit by January 15, 2006 a report that includes any recommendations and suggested legislation. It authorizes the Joint Standing Committee on Judiciary to report out legislation to the Second Regular Session of the 122nd Legislature.

LD 61 An Act To Authorize a Judge To Order Involuntary Commitment of a Person with Mental Illness Not Taking Prescribed Medication CARRIED OVER

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

LD 61 is a concept draft pursuant to Joint Rule 208. It proposed to amend the emergency application procedures for involuntary commitment under the laws governing the Department of Health and Human Services. The bill proposed that, if a person with mental illness is under the care of a health care professional and is under a current prescription for medication to address the mental illness, a judge may order involuntary commitment if the person is not taking the medication.

See also LD 151, Joint Standing Committee on Health and Human Services.

This bill was carried over by H.P. 1203 to any special or regular session of the 122nd Legislature.

LD 103 An Act To Establish the Fully Informed Jury Act ONTP

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

LD 103 proposed to enact the Fully Informed Jury Act. It proposed to apply to all actions in which the defendant has a right to a jury trial and in which the State or a political subdivision of the State is the plaintiff. It proposed that the right to a trial by jury includes the right to inform the jury about the jury's power to judge the law as well as all the evidence. Failure to allow the defendant to inform the jury would be grounds for a mistrial or a new trial. It proposed to allow a party to present evidence on the law, including its merit, intent, constitutionality or applicability, as well as the motive, moral perspective or circumstances of the defendant.