

# 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  
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*

**Staff:**

*Margaret J. Reinsch, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*



Maine State Legislature

OFFICE OF POLICY & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

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

### Enacted law summary

Public Law 2005, chapter 323 puts into law recommendations of the Family Law Advisory Commission. It authorizes a court to order payment of attorney's fees and costs while an action under the Maine Revised Statutes, Title 19-A is proceeding or when the action is completed. Current law authorizes attorney's fees in only limited types of family law actions. The court may order a party to pay the fees and expenses of 3rd-party participants, including guardians ad litem, expert witnesses and service providers. The costs of prosecuting a collection action may also be awarded. Chapter 323 deletes attorney's fees provisions throughout Title 19-A that are duplicative. It adds a family case management officer and a representative of the Judicial Branch's Court Alternative Dispute Resolution Service to the membership of the Family Law Advisory Commission. It amends the definition of "decree of spousal support, support or costs" to include an order for the division and disposition of property connected to a divorce judgment, including, among other actions, proceedings to effectuate a qualified domestic relations order, to reach, attach or liquidate property or to quiet title. Chapter 323 allows the court to order either parent to provide health insurance coverage for the child.

**LD 1512**                      **Resolve, Directing the Bureau of Health To Study Additional Information about Abortions**                      **RESOLVE 114**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAIGLE	OTP-AM    MAJ ONTP        MIN	H-664

LD 1512 proposed to direct the Department of Health and Human Services, Bureau of Health to study the effectiveness and quality of reproductive counseling for women considering an abortion.

**Committee Amendment "A" (H-664)** proposed to replace the resolve and direct the Department of Health and Human Services, Bureau of Health to study additional data that could be collected within existing resources that would help reduce the number of unintended pregnancies and abortions. The amendment proposed that the Bureau of Health report to the Joint Standing Committee on Judiciary by January 15, 2006.

### Enacted law summary

Resolve 2005, chapter 114 directs the Department of Health and Human Services, Bureau of Health to study additional data that could be collected within existing resources that would help reduce the number of unintended pregnancies and abortions. The Bureau of Health shall report to the Joint Standing Committee on Judiciary by January 15, 2006. The Joint Standing Committee on Judiciary may report out legislation in response to the report.

**LD 1518**                      **An Act To Increase Access to Justice in Maine's Court System**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J EDMONDS	OTP-AM	H-620

## *Joint Standing Committee on Judiciary*

LD 1518 proposed to establish the Consumer and Commercial Division pilot project within the Maine court system beginning January 1, 2006, to administer and resolve disputes regarding issues related to business activity in a coordinated, responsive and speedy manner and to afford convenient and timely access for consumers, entrepreneurs, attorneys and any other party involved with business activity. The bill also proposed to establish the Consumer and Commercial Division Steering Committee, designed to function as a partnership between the legislative and judicial branches of government to develop proposals to implement the new project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts.

**Committee Amendment "A" (H-620)** proposed to replace the bill. Part A of the amendment proposed to establish the Business and Consumer Specialized Civil Docket pilot project within the Maine court system beginning January 1, 2006. The proposed pilot project is intended to assist all litigants, regardless of area of law, in finding prompt resolution of matters before the Court.

Part B of the amendment proposed to establish the Business and Consumer Specialized Civil Docket Advisory Committee to make recommendations to the Supreme Judicial Court to implement the new pilot project, determine relevant measurable outcomes and determine other areas of technology or infrastructure that could add additional efficiencies throughout Maine courts.

This bill was carried over on the Special Appropriations Table by S.P. 640 to the next special or regular session of the 122<sup>nd</sup> Legislature.

<b>LD 1526</b>	<b>An Act To Enact the Uniform Parentage Act and Conforming Amendments and Additional Amendments to Laws Concerning Probate, Adoption, Child Support, Child Protection and Other Family Law Issues</b>	<b>CARRIED OVER</b>
----------------	--	---------------------

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

LD 1526 proposed to enact the Maine version of the Uniform Parentage Act. Part B of the bill contains proposed amendments to the Maine Revised Statutes, Title 4 and Title 19-A provisions concerning paternity and child support to make them consistent with the Uniform Parentage Act. Part C proposed to amend the intestate succession provisions of the Probate Code so that children will inherit from parents as recognized in the Uniform Parentage Act and parents recognized by the Uniform Parentage Act will inherit from their children. Part D of the bill proposed to amend the adoption laws, guardianship laws and child protection laws to be consistent with the Uniform Parentage Act. Part E proposed cross-reference changes.

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

<b>LD 1532</b>	<b>An Act To Protect Maine Citizens from Lead Hazards that Harm Maine Children and Families</b>	<b>PUBLIC 339</b>
----------------	---	-------------------

<u>Sponsor(s)</u> FAIRCLOTH HOBBINS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-542 S-275 HOBBINS
---	-----------------------------------	---