

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

Second Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

July 2006

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

Rep. Deborah L. 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

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Maine State Legislature



Office of Policy and Legal Analysis Office of Fiscal and Program Review

122nd Maine Legislature Second Regular Session

Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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/billsumm.htm).

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
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 (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

Joint Standing Committee on Judiciary

LD 1805 **An Act To Provide Adult Adoptees Access to Their Original Birth Certificates** **ONTP**

<u>Sponsor(s)</u> DAVIS G TURNER		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1805 proposed to establish a process by which an adult adopted person may obtain a copy of that person's original, unaltered birth certificate. The bill, modeled on New Hampshire law, proposed to allow a birth parent to include with the child's original birth certificate a medical history form and a form that indicates whether the parent wishes to be contacted by the child.

See also Joint Order, H.P. 1502.

LD 1811 **An Act Regarding Child Custody Evaluations** **ONTP**

<u>Sponsor(s)</u> DUNN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1811 proposed to provide good-faith protection for psychologists and psychiatrists conducting child custody evaluations similar to protections existing in Florida and West Virginia.

LD 1812 **An Act To Correct Deficiencies in the Divorce Laws** **PUBLIC 594**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-869
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LD 1812 proposed to change the divorce laws by adding as a ground for divorce the judicial determination that one of the spouses is mentally incompetent. It also proposed to authorize the court to award spousal support while the divorce action is pending, including while the case is on appeal.

Committee Amendment “A” (H-869), the majority report of the Joint Standing Committee on Judiciary, proposed to replace the bill. It proposed to add a divorce ground a judicial finding that one of the parties is incapacitated. It also proposed to authorize an order governing spousal support while a divorce action is pending.

Enacted law summary

Public Law 2005, chapter 594 adds as a ground for divorce that a judicial determination has been made that one of the parties is an incapacitated person, as defined in the Probate Code, for whom a guardian with full powers has been appointed. The court hearing the divorce must appoint a guardian ad litem for the incapacitated person. Chapter 594 also specifies that the trial court in a divorce may issue an order concerning spousal support while the action is pending, including on appeal, and also that the trial court may modify and enforce such orders while the action is pending.