

## Joint Standing Committee on Judiciary

**LD 3**

**An Act to Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 127  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-220 COLWELL S-53
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LD 3 proposed to correct errors and inconsistencies in the laws of Maine.

**Committee Amendment "A" (S-53)** proposed to correct additional errors and inconsistencies, including updates and corrections to the Governmental Evaluation Act and the herring tax.

**House Amendment "A" (H-220)**, a technical amendment offered on behalf of the Committee on Engrossed Bills, proposed to remove erroneous text.

### *Enacted law summary*

Public Law 1999, chapter 127 corrects errors and inconsistencies in the laws of Maine.

Chapter 127 was enacted as an emergency measure effective May 6, 1999.

**LD 37**

**An Act Providing for a Vote of Confidence before a Judge Is Eligible for Reappointment**

**ONTP**

<u>Sponsor(s)</u> MARTIN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 37 proposed to require an advisory vote prior to the reappointment of a District Court Judge or a Superior Court Justice. As proposed, the Governor could not reappoint the judge or justice if the vote was in the negative; if the vote supported the reappointment of the judge or justice, the Governor would not be required to make that reappointment.

**Committee Amendment "A" (H-132)** proposed to change the timing of the advisory referendum for Superior Court Justices and District Court Judges. The referendum would occur at the general election immediately preceding the expiration of the justice's or judge's term. (Not adopted)

**LD 38**

**An Act to Give the Probate Court Power to Order Child Support in Cases Involving Guardianship of a Minor**

**PUBLIC 46**

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-19
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**LD 88**

**An Act to Add to the List of Mandatory Reporters of Suspected Child Abuse Children's Summer Camp Administrators and Counselors**

**PUBLIC 300**

<u>Sponsor(s)</u> MCALEVEY	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-441
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LD 88 proposed to add children's summer camp employees to the list of persons who have a duty to report suspected child abuse to the Department of Human Services.

**Committee Amendment "A" (H-441)** proposed to limit the expansion of the list of mandatory reporters of child abuse to the administrators and counselors at children's summer camps.

*Enacted law summary*

Public Law 1999, chapter 300 expands the list of mandatory reporters of child abuse to include the administrators and counselors at a children's summer camp.

**LD 137**

**An Act to Require Parental Notification for Minors Seeking Abortions**

**ONTP**

<u>Sponsor(s)</u> AHEARNE	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 137 proposed to require parental notification before an abortion is performed or induced on a pregnant minor.

The bill proposed to require that notification be provided to one parent or, when the minor is in fear of physical, sexual or emotional abuse from a parent, to a specified relative, who may be a grandparent, a stepparent or a sister or brother who is 21 years of age or older.

The bill also proposed to allow for alternative procedures whereby the minor may seek court approval for the proposed abortion and establish the procedures for judicial review and appeals.

**Committee Amendment "A" (H-626)** the minority report of the committee, proposed to add a fiscal note to the bill. (Not adopted)

**LD 181**

**An Act Providing for Post-adoption Contact in Limited Situations**

**ONTP**

<u>Sponsor(s)</u> LAFOUNTAIN PLOWMAN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 181 proposed to create the opportunity for parents of a child who is the subject of a child protective action to consent to the termination of their rights but continue to have contact with the child.

**LD 205**

**An Act to Require a Written Record of the Subject Matters Discussed in Executive Sessions**

**ENACTMENT  
FAILED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN CAREY	OTP-AM	H-635

LD 205 proposed to require each agency and public body to make an electronic recording of its executive sessions and to make the recording available to any person who had a right to be present during the executive session or to that person’s legal representative. The recording would also be disclosed pursuant to court order or upon majority vote of the agency or body if the executive session was not required to be confidential.

**Committee Amendment "A" (H-635)** proposed to replace the bill. Instead of requiring the public agency or body to make an electronic recording of executive sessions, it proposed to require that a written, public record be kept of the subject matters discussed in executive sessions. The amendment also proposed to add a mandate preamble and a fiscal note to the bill.

**LD 231**

**An Act to Initiate Covenant Marriage in the State**

**ONTP**

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

LD 231 proposed to establish covenant marriage status for new and existing marriages.

**Committee Amendment “A” (H-100)**, the minority report, proposed to add a fiscal note to the bill. (Not adopted)

**LD 233**

**An Act to Amend the Provisions Relating to Executive Sessions in Connection with the Transaction of Public or Government Business**

**PUBLIC 180**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	H-217 THOMPSON

LD 233 proposed to allow municipalities to conduct consultations in executive session with code enforcement officers who are certified in accordance with District Court Rule 80-K to represent the interests of the municipalities in District Court proceedings.

**Committee Amendment "A" (S-55)** proposed to replace the bill. It proposed to allow municipal officers to consult with their code enforcement officers in executive session when the consultation relates to an enforcement matter pending in the courts and the code enforcement officer is representing the municipality in that action. (Not adopted; substance of amendment adopted in House Amendment “A”)

**House Amendment "A" (H-217)** proposed to incorporate the substantive changes contained in Committee Amendment “A” and proposed to incorporate a change made by Public Law 1999, chapter 40. (See LD 157 of the State and Local Government Committee.)

**Senate Amendment "A" to Committee Amendment "A" (S-65)**, presented on behalf of the Committee on Bills in the Second Reading, proposed to prevent a conflict by incorporating a change made to the Maine Revised Statutes, Title 1, section 405, subsection 6 in Public Law 1999, chapter 40. (Not adopted)

***Enacted law summary***

Public Law 1999, chapter 180 allows municipal officers to consult with their code enforcement officers in executive session when the consultation relates to an enforcement matter pending in the courts and the code enforcement officer is representing the municipality in that action.

**LD 242                      An Act to Inform Traffic Violators in Court of Potential Parallel Administrative Sanctions                      ONTP**

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

LD 242 proposed to require a court at sentencing to inform a person convicted under the motor vehicle laws if there is a potential pending companion administrative sanction and, if so, what that administrative sanction may be.

**LD 252                      An Act to Restrict Recreational Activities in Cemeteries                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER G LAWRENCE	ONTP	

LD 252 proposed to prohibit engaging in recreational activities in cemeteries and to provide for a \$100 civil forfeiture for violation of the prohibition.

**LD 260                      An Act to Enhance the Enforcement of Civil and Criminal Violations                      CARRIED OVER**

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

LD 260 is a concept draft pursuant to Joint Rule 208. LD 260 proposes to build on the work undertaken by the task force created by Resolve 1997, chapter 103 by doing at least the following:

1. Increase the collection of fines, forfeitures and costs imposed by courts for civil and criminal violations;
2. Expand the jurisdiction of the District Court Violations Bureau to include all civil violations;
3. Prohibit issuance and renewal of any license or other credential issued by the State if fines, penalties or forfeitures to the State remain unpaid; and
4. Decriminalize selected motor vehicle, marine resources and fish and wildlife violations.

This bill has been carried over to the Second Regular Session.

**LD 289**

**An Act to Amend the Uniform Unclaimed Property Act Concerning  
Tangible Property Held by Landlords or by State Institutions**

**PUBLIC 294**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-463
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LD 289 proposed to restore the provisions of the abandoned property law governing property held by landlords or by state institutions that were repealed when the 1995 Uniform Unclaimed Property Act was adopted.

**Committee Amendment "A" (H-463)** proposed to revise the unclaimed property laws with regard to property left behind by a tenant to make the laws consistent with the landlord-tenant laws of the Maine Revised Statutes, Title 14.

The amendment also proposed to enact a section that was part of the unclaimed property laws repealed and replaced by Public Law 1997, chapter 508. The section focuses on the retention by the administrator of property of historical significance. It proposed to allow the Treasurer of State to retain such property and require its storage or display in appropriate locations, such as the State Museum and the State Library.

***Enacted law summary***

Public Law 1999, chapter 294 revises the unclaimed property laws to provide for the disposition of property left by tenants or left by patients or inmates in State institutions. It also returns to law a section on retention by the administrator of property of historical significance.

**LD 303**

**An Act to Amend the Uniform Unclaimed Property Act**

**ONTP**

<u>Sponsor(s)</u> MAYO LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 303 proposed to amend the Uniform Unclaimed Property Act to:

1. Reduce the general presumption of abandonment from five years to two years;
2. Reduce the presumption of abandonment for gift certificates and credit memos from five years to two years as well as require all issuers of gift certificates to keep records of purchasers and their addresses;
3. Require holders of abandoned property to report the names and addresses of last known owners whose property they retain with a value over \$200;
4. Raise the threshold for the ability to report, in the aggregate, held property with individual values of under \$200 rather than the current \$50;
5. Require the administrator to prove that unclaimed property is being held by a holder before the administrator may fine the holder or business for not reporting; and
6. Reduce from 10 years to six years the length of time a business must maintain records.

**LD 347**

**An Act to Amend the Installment Payment Order Capability of the Disclosure Court**

**CARRIED OVER**

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

LD 347 proposes to allow a court to take into account money from sources exempt from attachment or garnishment when ordering a judgment debtor to make installment payments to a judgment creditor. Although the money from exempt sources would not be subject to attachment or garnishment, it would be counted when determining whether the debtor had sufficient resources with which to make installment payments.

This bill has been carried over to the Second Regular Session.

**LD 381**

**An Act to Provide the Right to a Jury Trial in Civil Actions for Violations of Constitutional Rights**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	ONTP MAJ OTP-AM MIN	

LD 381 proposed to provide the right to a trial by jury in civil actions for violations of constitutional rights under the Maine Civil Rights Act.

**Committee Amendment "A" (H-33)**, the minority report of the committee, proposed to add a fiscal note to the bill. (Not adopted)

**LD 385**

**An Act to Collect Unpaid Fines in the State**

**ONTP**

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

LD 385 proposed to authorize the Commissioner of Public Safety to issue an arrest permit to a licensed private investigator who meets the necessary qualifications. The arrest permit would enable a private investigator to arrest any person in arrears of payment of a fine.

**LD 405**

**An Act to Require that the State of Maine Comply with Federal Law Requiring Reasonable Efforts**

**P & S 26**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN MITCHELL B	OTP-AM	H-440

LD 405 proposed to require the State to comply with the Adoption Assistance and Child Welfare Act of 1980, as amended, especially with regard to the placement of children in foster care with relatives. It also proposed that the Department of Human Services to report to the Joint Standing Committee on Judiciary by December 15, 1999 on compliance with that Act.

**Committee Amendment "A" (H-440)** proposed to correct the title of the bill, as well as change the charge to the Department of Human Services to direct the department to comply with specific federal laws concerning child protective services programs and state responsibilities. It requires the department to report back to the Joint Standing Committee on Judiciary by December 15, 1999 on the status of the State's compliance with the federal law. As proposed, the report must provide information specifically about the State's actions with regard to the reasonable efforts requirement concerning keeping families intact rather than removing children from the home.

***Enacted law summary***

Private and Special Law 1999, chapter 26 directs the Department of Human Services to comply with specific federal laws concerning child protective services programs and state responsibilities. The department must report to the Judiciary Committee by December 15, 1999 on the status of the State's compliance with federal law.

**LD 413                                      An Act to Prohibit Discrimination Against Motorcyclists                                      ONTP**

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

LD 413 proposed to amend the Maine Human Rights Act to prohibit discrimination in public accommodations against persons who operate motorcycles or who wear clothing that displays the name of a motorcycle association or organization.

**LD 426                                      An Act to Implement Recommendations of the Maine Indian Tribal-State Commission to Ensure Enforcement of Subpoenas by Tribal Courts                                      ONTP**

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

LD 426 proposed to clarify that sheriffs and deputies have the duty to serve and execute papers issued by the Passamaquoddy Tribal Court and the Penobscot Tribal Court.

**LD 432                                      An Act to Adopt the Uniform Child Custody Jurisdiction and Enforcement Act                                      PUBLIC 486**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	H-464 S-390 MICHAUD

LD 432 proposed to repeal the Uniform Child Custody Jurisdiction Act and replace it with an updated version, the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by the national Conference of Commissioners on Uniform State Laws in 1998.

**Committee Amendment "A" (H-464)** proposed changes to the bill relating to the prevailing party standard, the legislative intent concerning the role of prosecutors and law enforcement in enforcing child custody orders and how the UCCJEA applies in protection from abuse actions.

**Senate Amendment "A" to Committee Amendment "A" (S-390)** proposed to delete the appropriation section.

*Enacted law summary*

Public Law 1999, chapter 486 repeals the Uniform Child Custody Jurisdiction Act (UCCJA) and replaces it with the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA), adopted by the National Conference of Commissioners on Uniform State Laws in 1998. The current protection from abuse laws are amended to take into account the UCCJEA. Maine changes to the Uniform Act are as follows.

1. The “prevailing party standard” provided in the Uniform Act is revised to require the court to award the prevailing party all expenses unless the court finds that to do so would be unjust.
2. A “Maine Comment” is included to explain the legislative intent that the prosecutor and law enforcement be involved in enforcement of child custody orders only as a last resort or to avoid a dangerous situation.

**LD 437**                      **An Act to Clarify the Law Regarding Executive Sessions of Public Bodies**                      **PUBLIC 144**

<u>Sponsor(s)</u> GLYNN CAREY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-104
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LD 437 proposed to amend the law governing executive sessions of public proceedings. It proposed to require that the governmental entity name the parties to a labor contract it planned to discuss in executive session and to cite the case to be discussed if it planned to discuss pending litigation. It also proposed to limit the legal rights and duties that could be discussed in executive session.

**Committee Amendment "A" (H-104)** proposed to strike the section of the bill that limits the situations in which governmental bodies can consult with their attorneys in executive session to discuss legal rights and duties and that requires governmental bodies to cite the pending litigation to be discussed in executive session.

*Enacted law summary*

Public Law 1999, chapter 144 requires a public agency to name the parties to a labor contract that it intends to discuss before going into executive session.

**LD 441**                      **An Act to Excuse Elections Staff from Jury Duty When Needed to Perform Election Functions**                      **PUBLIC 87**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-103
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**LD 496**

**An Act to Exempt Certain Trusts from the Rule Against Perpetuities**

**PUBLIC 391**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-636
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LD 496 proposed to abrogate the rule against perpetuities for property interests created by instruments taking effect after the effective date of the bill. The rule against perpetuities is a common law rule that prohibits the creation of a property interest that vests farther in the future than the rule allows.

**Committee Amendment "A" (H-636)** proposed to replace the bill. It proposed to exempt a trust from the rule against perpetuities if the instrument creating the trust specifies that the rule does not apply and the instrument gives a trustee or other person power to sell, lease or mortgage the trust property after the time when the interest would have been required by the rule against perpetuities to vest.

*Enacted law summary*

Public Law 1999, chapter 391 provides that a trust is exempt from the rule against perpetuities if the instrument creating the trust specifies that the rule does not apply and the instrument gives a trustee or other person power to sell, lease or mortgage the trust property after the time when the interest would have been required to vest in order to be valid under the rule against perpetuities. The law applies to trusts created after September 18, 1999, the effective date of chapter 391.

**LD 523**

**An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Child Welfare Services for Indian Children**

**PUBLIC 392**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-658
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LD 523 proposed to ensure that Indian children placed in foster homes are eligible for benefits and reimbursement available under any state or federally funded program administered for the benefit of Maine children.

**Committee Amendment "A" (H-658)** proposed to correct Maine's foster care licensing and funding statutes to recognize the authority of the Maine Indian tribes under the federal Indian Child Welfare Act.

*Enacted law summary*

Public Law 1999, chapter 392 corrects Maine's foster care licensing and funding statutes to recognize the authority of the Maine Indian tribes under the federal Indian Child Welfare Act. Chapter 392 makes clear that Indian children in the custody of Maine Indian tribes under the Indian Child Welfare Act are fully eligible, as Maine children, for all state and federally funded foster care programs administered by the State. It also recognizes Indian foster family homes licensed or approved under the Indian Child Welfare Act as an exception to the general requirement of state licensing for foster care placements and funding when Indian children are involved.

**LD 568**

**An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate**

**PUBLIC 69**

<u>Sponsor(s)</u> POVICH	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-101
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LD 568 proposed to require a person claiming an interest in real estate based on the omission of technical wording in a deed issued prior to the Short Form Deeds Act to file notice in the registry of deeds within two years of the effective date of this Act in order to preserve that interest.

**Committee Amendment "A" (H-101)** proposed to require a person to file a civil action by December 31, 2002 in order to preserve the interest in property.

***Enacted law summary***

Public Law 1999, chapter 69 requires a person to file a civil action in court by December 31, 2002 in order to preserve a claim of interest in property due to the absence of an habendum clause or technical words of inheritance in a deed issued prior to the Short Form Deeds Act. After December 31, 2002, a person may not bring an action or enter upon property under a claim of right based on the lack of an habendum or technical words of inheritance in a deed.

**LD 571                      An Act to Prohibit Partial-birth Abortion                      ONTP**

<u>Sponsor(s)</u> MACK MICHAUD		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 571 proposed to prohibit partial-birth abortions except when necessary to save the life of the mother. Performance of a partial-birth abortion in violation of the provisions of this bill would be a Class D crime. In addition, the bill proposed that the physician performing the abortion be subject to damages in a civil suit. As proposed, the mother may not be prosecuted. See also LD 917, LD 1593.

**LD 596                      An Act to Allow Citizens 70 Years of Age or Older the Option of Serving Jury Duty                      ONTP**

<u>Sponsor(s)</u> SMALL MAYO		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 596 proposed to give a person 70 years of age or older the option of declining jury duty.

**LD 605                      An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney                      PUBLIC 66**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 605 proposed to clarify the effective date of certain corrections made to powers of attorney laws that were enacted as emergency legislation during the Second Special Session of the 118th Legislature.

***Enacted law summary***

Public Law 1999, chapter 66 acknowledges that the enactment of the Maine Revised Statutes, Title 18-A, section 5-508 represented a modification of existing law and delays the effective date of the modification until December 31, 1998.

**LD 658**                      **An Act to Require Notification of a Lien on Property to Be Done by Certified Mail**                      **ONTP**

<u>Sponsor(s)</u> BENNETT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 658 proposed to require a person, municipality or the State to notify the property owner by certified mail that a lien has been filed against the owner's property in three instances: when a person has not been paid for providing materials, labor or services on land or a building of another; when an animal owner is in violation of the rabies statutes; and when a taxpayer has not paid state taxes.

**LD 687**                      **An Act Regarding Wrongful Death Actions**                      **CARRIED OVER**

<u>Sponsor(s)</u> SCHNEIDER DOUGLASS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 687 proposes to amend the Wrongful Death Act to remove the existing cap of \$150,000 on the amount of damages that may be awarded to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.

This bill has been carried over to the Second Regular Session.

**LD 697**                      **An Act to Require Courts to Reimburse Jurors for Parking Expenses**                      **INDEF PP**

<u>Sponsor(s)</u> MACK RAND		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u>
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LD 697 proposed to require a court to reimburse jurors for the jurors' parking expenses.

**Committee Amendment "A" (H-133)** proposed to allow only reasonable parking expenses of jurors to be paid by the courts and to add an appropriation section and fiscal note to the bill.

**LD 699**                      **An Act Concerning Minors' Consent for Services**                      **PUBLIC 90**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 699 proposed to authorize a minor to consent to a sexual assault forensic examination by a physician or in a hospital to collect evidence after an alleged sexual assault.

**Enacted law summary**

Public Law 1999, chapter 90 authorizes a minor to consent to a sexual assault forensic examination by a physician or in a hospital to collect evidence after an alleged sexual assault.

**LD 703**

**An Act to Create the Maine Civil Rights Act of 1999**

**ONTP**

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

LD 703 proposed to prohibit the State and its subdivisions and instrumentalities from discriminating or granting preferential treatment in the operation of public employment, education or contracting to any person on the basis of race, sex, color, ethnicity or national origin.

**Committee Amendment "A" (H-194)**, the minority report, proposed to add a fiscal note to the bill. (Not adopted)

**LD 706**

**An Act to Expedite Treatment of Certain Persons with Mental Illness**

**PUBLIC 423**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SKOGLUND KILKELLY	OTP-AM MAJ OTP-AM MIN	H-659

LD 706 proposed to provide for a voluntary agreement for mental health treatment or services. The procedure proposed to allow a person with mental illness who has the capacity to make decisions to voluntarily sign a form naming individuals who may later certify that the person requires mental health treatment or services.

**Committee Amendment "A" (H-659)**, the majority report of the committee, proposed to replace the bill, and amend the Uniform Health-care Decisions Act to specifically provide for advance health care directives that authorize mental health treatment, including hospitalization.

**Committee Amendment "B" (H-660)**, the minority report of the committee, differed from the majority report in that it contained a sunset of January 1, 2002 for all changes concerning advance health care directives for mental health treatment. Part A proposed to enact the changes with a self-repealing date of January 1, 2002. (Not adopted)

**Enacted law summary**

Public Law 1999, chapter 423 provides for advance health care directives authorizing mental health treatment and services, including hospitalization. The directive may contain conditions that specify when the directive becomes effective, and it may specify a particular method for determining when those conditions are met. It may also provide consent to hospitalization for mental health treatment, which may be honored if the person at the time of examination and hospitalization lacks capacity, even if the person objects to the hospitalization. The duration of the stay in the hospital of the person may not exceed 5 working days. Further hospitalization is possible only with the consent of the person or through the emergency admission procedures.

Chapter 423 also authorizes a law enforcement officer to take into protective custody a person that the officer knows has an advance health care directive authorizing mental health treatment if the officer has reasonable grounds to believe, based on probable cause, that the person lacks capacity. The law enforcement officer must then deliver the person

immediately for examination in accordance with the Uniform Health-care Decisions Act to determine whether the person is competent and whether the conditions of the advance health care directive are met.

**LD 722**

**An Act to Increase Adoptions**

**PUBLIC 78**

<u>Sponsor(s)</u> BRAGDON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 722 proposed to bring Maine law into compliance with the federal laws by removing references to cultural, ethnic and racial background from the adoption law.

This bill was submitted on behalf of the Department of Human Services.

***Enacted law summary***

Public Law 1999, chapter 78 brings Maine law into compliance with federal law concerning the placement of children for adoption by removing references to cultural, ethnic and racial background from the adoption law.

**LD 724**

**An Act to Define Paralegals and Legal Assistants**

**PUBLIC 379**

<u>Sponsor(s)</u> MADORE KONTOS		<u>Committee Report</u> OTP MAJ ONTP MIN		<u>Amendments Adopted</u>
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LD 724 proposed to require any person who uses the title "paralegal" or "legal assistant" to be qualified by education, training or work experience; and supervised by an attorney to the extent that the attorney is ultimately responsible for the work.

***Enacted law summary***

Public Law 1999, chapter 379 requires any person who uses the title "paralegal" or "legal assistant" to be qualified by education, training or work experience; and supervised by an attorney to the extent that the attorney is ultimately responsible for the work. A person who claims to be a paralegal or a legal assistant and does not meet the statutory definition commits a civil violation for which a forfeiture of up to \$1000 may be adjudged.

**LD 748**

**An Act to Strengthen the Collection of Money Judgments**

**ONTP**

<u>Sponsor(s)</u> O'NEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 748 proposed to impose a monetary penalty on judgment debtors who fail to appear in court in response to subpoenas or at disclosure hearings. The bill also proposed to require the court to allow a judgment creditor five hours to appear in court after a civil order of arrest has been accomplished.

**LD 788**

**An Act to Clarify the Deceptive Trade Practices Act**

**ONTP**

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

LD 788 proposed to clarify that the use of a geographic location in a business name not associated with that location is not a deceptive trade practice if that business name has been used for at least 10 years without objection by any person

**LD 793**

**An Act to Confine Tribal Gaming to the Reservation of the Licensed Organization**

**ONTP**

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

LD 793 proposed to require that high-stakes beano or bingo games be conducted on the reservation of the federally recognized Indian tribe licensed to operate them, rather than allowing the games to be conducted on any Indian territory.

**Committee Amendment "A" (S-163)**, the minority report of the committee, proposed to clarify that the prohibition applied to games beginning on the effective date of the new law, regardless of whether a license had been issued or was pending to conduct high-stakes beano on land other than Indian reservation land. (Not adopted)

**LD 794**

**An Act to Ensure That Child Support Obligations are Met**

**ONTP**

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

LD 794 proposed to hold a parent responsible for child support while that parent is receiving public assistance, and to allow the department to collect reimbursement for the support once the parent no longer receives public assistance.

**LD 822**

**An Act to Rename the Harassment Based on Characteristic Law**

**PUBLIC 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAVAGE W	OTP	

LD 822 proposed to change the name of the crime of “harassment based on characteristics” to “interference with constitutional and civil rights” to more accurately reflect the prohibited offenses.

***Enacted law summary***

Public Law 1999, chapter 51 changes the name of the crime of “harassment based on characteristics” to “interference with constitutional and civil rights.”

**LD 860**

**An Act to Limit the Adverse Possession Laws**

**ONTP**

<u>Sponsor(s)</u> SKOGLUND		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 860 proposed to limit adverse possession in certain instances as a method by which to gain title to property by allowing it only when necessary to gain access to landlocked property or when the person claiming adverse possession builds a building that mistakenly lies across the boundary line.

**LD 874**

**An Act to Remove Certain Records Concerning Minors From the Definition of "Public Records"**

**PUBLIC 96**

<u>Sponsor(s)</u> AMERO MARVIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-39
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LD 874 proposed to amend the Freedom of Access laws to remove certain records concerning minors from the definition of "public records." The bill proposed to remove personally identifying information concerning minors that a municipality collects or maintains in providing educational or recreational programs or services.

**Committee Amendment "A" (S-39)** proposed to replace the bill. It proposed to allow certain information regarding minors to be withheld from public disclosure if the municipality that holds the information has enacted an ordinance specifying the circumstances under which the information will be withheld from disclosure to a person or the public in general.

*Enacted law summary*

Public Law 1999, chapter 96 allows certain information regarding minors to be withheld from public disclosure if the municipality that holds the information has enacted an ordinance specifying the circumstances under which the information will be withheld from disclosure to a person or the public in general.

**LD 889**

**An Act to Increase Public Awareness in Child Protection Cases**

**ONTP**

<u>Sponsor(s)</u> QUINT		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 889 proposed to allow a guardian ad litem in a child protection case to disclose some details of the case with the consent of the Commissioner of Human Services and the Attorney General.

This bill was submitted on behalf of the Department of Human Services.

**LD 908**                      **An Act to Create Standards for Guardians Ad Litem in Certain Domestic Relations Matters**                      **ONTP**

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

LD 908 proposed to require the Department of Human Services to adopt rules establishing standards for guardians ad litem appointed in domestic relations cases. See also LD 1213.

**LD 914**                      **An Act to Require Testing for HIV and Blood-borne Pathogens of All Prisoners in the Maine Correctional System**                      **DIED BETWEEN BODIES**

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

LD 914 proposed to require the Department of Corrections to perform HIV, hepatitis-B and hepatitis-C testing on all clients of the department.

**Committee Amendment "A" (H-478)**, the minority report, proposed to exclude juveniles from the mandatory testing. (Not adopted)

**LD 917**                      **An Act to Ban Partial Birth Abortion Except to Protect the Life or Health of the Mother**                      **ONTP**

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

LD 917 proposed to clarify the definition of "abortion" to specifically state that it includes partial birth abortion.

It proposed to amend the State policy on post-viability abortions to clarify that the use of the dilation and evacuation method of abortion after viability is restricted to only those situations in which the abortion is necessary to preserve the life or health of the mother. See also LD 571, LD 1593.

**LD 925**                      **An Act to Create a Superlien for Condominium Association Assessments**                      **ONTP**

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

LD 925 proposed to allow a lien for condominium assessments to take priority over all other liens except liens for real estate taxes and other governmental assessments against the unit.

**LD 942**

**An Act to Establish the Juvenile Division of the District Court**

**ONTP**

Sponsor(s)  
GLYNN

Committee Report  
ONTP

Amendments Adopted

LD 942 proposed to establish the Juvenile Division within the District Court, with jurisdiction over matters within the Maine Juvenile Code, matters involving children in need of services, juvenile traffic offenses, emancipation proceedings, homeless juveniles and juveniles who have left home and other matters assigned by the Chief Judge.

**LD 947**

**An Act to Clarify Certain Liens**

**PUBLIC 88**

Sponsor(s)  
LAFOUNTAIN  
MADORE

Committee Report  
OTP-AM

Amendments Adopted  
S-38

LD 947 proposed to clarify the mechanic lien law by stating that the financing statement must be notarized and be submitted with a form approved by the Secretary of State, which is the same form as for UCC filings.

This bill was submitted on behalf of the Secretary of State.

**Committee Amendment "A" (S-38)** proposed to restructure the section of law relating to filing of mechanics' liens to simplify the language and to clarify what documents must be filed.

*Enacted law summary*

Public Law 1999, chapter 88 requires the financing statement of a mechanic's lien to be notarized and submitted with a form approved by the Secretary of State, which is the same form as for UCC filings.

**LD 1010**

**An Act Regarding the Family Court**

**CARRIED OVER**

Sponsor(s)  
THOMPSON

Committee Report

Amendments Adopted

LD 1010 proposes to give the family case management officer in the Family Division of the District Court authority to hear contested family cases and enter final orders if both parties agree.

This bill has been carried over to the Second Regular Session.

**LD 1011**

**An Act to Change the Application of the Durable Financial Power of Attorney Provisions**

**PUBLIC 118**

Sponsor(s)  
THOMPSON

Committee Report  
OTP-AM

Amendments Adopted  
H-138

LD 1011 proposed to make disclosures and limitations required for all durable financial powers of attorney inapplicable to powers of attorney granted by someone other than an individual, such as a corporation, or by an individual when the power is granted to a secured party or the mortgagee in a security agreement or mortgage.

**Committee Amendment "A" (H-138)** proposed to replace the word "individual" with "natural person," and to clarify that a power of attorney given by a borrower or related party to a lender in a loan transaction for value is not of the type intended to be regulated by the Maine Revised Statutes, Title 18-A, section 5-505.

***Enacted law summary***

Public Law 1999, chapter 118 eliminates the requirement that a durable financial power of attorney contain certain limitations and disclosures when the power of attorney is granted by someone other than a natural person, when it is related to a security agreement or mortgage, or when involved in a loan transaction.

**LD 1027                      An Act to Extend the Waiting Period for Obtaining a Divorce                      ONTP**

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

LD 1027 proposed to establish a six-month waiting period between the service of a divorce complaint and the divorce hearing, except that the waiting period would not apply to any person who has obtained a protection from abuse order to protect that person or another family or household member from the other party.

**LD 1031                      An Act to Require that Child Support Benefits Designated Children                      ONTP**

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

LD 1031 proposed to state in statute that child support payments must be used for the support and maintenance of the child for whom the child support order is established.

**LD 1058                      An Act to Provide for Geographic Distribution of Funds for Civil Legal Services                      ONTP**

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

LD 1058 proposed to charge the Civil Legal Services Fund Commission with ensuring that funding from the Maine Civil Legal Services Fund is disbursed in a geographically equitable fashion.

<u>Sponsor(s)</u> MURRAY THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-226
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LD 1081 proposed to adopt the Uniform Foreign Money-judgments Recognition Act. This Uniform Act requires a state court to enforce a money judgment from another country with the full faith and credit that the state court would treat a money judgment from another state if the foreign judgment is final, conclusive and enforceable in the country where it was rendered. The bill proposed to set forth standards for determining when a judgment is conclusive and when the court may refuse to recognize the judgment.

**Committee Amendment "A" (S-226)** proposed to add language allowing a state court to refuse recognition of a foreign judgment if there is not reciprocity, i.e., if the foreign court would refuse recognition of a judgment from the state court. It also proposed to add language regarding uniform interpretation of the law and to make technical changes to correspond with the uniform law.

#### *Enacted law summary*

Public Law 1999, chapter 285 enacts the Uniform Foreign Money-judgments Recognition Act into Maine law. This Act requires Maine courts to enforce a money judgment from another country with the full faith and credit that the Maine court would treat a money judgment from another state if the foreign judgment is final, conclusive and enforceable in the country where it was rendered. A judgment is not conclusive if the court that rendered it did not have personal or subject matter jurisdiction or if the legal system in that country did not provide impartial tribunals and due process of law. It allows a Maine court to refuse recognition of a foreign judgment under certain circumstances, including the lack of reciprocity. Finally, it allows the court to stay enforcement of the judgment if the defendant satisfies the court that an appeal is pending or that the defendant is entitled and intends to appeal the underlying foreign-money judgment.

<u>Sponsor(s)</u> PLOWMAN	<u>Committee Report</u> ONTP MAJ OTP-AM MIN	<u>Amendments Adopted</u>
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LD 1087 proposed to provide that a person accused of wrongdoing in a child protection proceeding is entitled to disclosure of records and reports relating to the proceeding and the investigation from the Department of Human Services and any investigating agency.

**Committee Amendment "A" (H-480)**, the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

**House Amendment "A" (H-621)** proposed to limit the disclosure to accused parents, and only exculpatory evidence in the possession of the Department of Human Services. (Not adopted)

**LD 1098**                      **An Act to Create a Respondent's Bill of Rights in Adjudicatory Proceedings**                      **ONTP**

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

LD 1098 proposed to require agencies conducting adjudicatory proceedings to inform respondents of their rights and the procedures to be followed at the inception of the proceeding.

**LD 1101**                      **An Act to Require Consistency When Interviewing Children in Criminal and Civil Cases**                      **ONTP**

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

LD 1101 proposed to require law enforcement officers and Department of Human Services staff who are investigating or participating in a child protection proceeding to limit the number of interviews and the number of interviewers that a child must face. It also proposed to require that the information collected in the interview be disclosed to the person accused of abuse, neglect or other wrongdoing with respect to the child, regardless of whether the investigation relates to a criminal or a civil matter.

**Committee Amendment "A" (H-531)**, the minority report, proposed to eliminate the proposed requirements pertaining to how interviews of children must be conducted and recorded. It also proposed to delete the proposed disclosure requirement.

**LD 1109**                      **An Act to Prevent Children From Being Placed with a Parent Who is a Batterer or an Abuser**                      **ONTP**

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

LD 1109 proposed to increase the standard the court must apply in determining whether contact or residing with a parent who has committed domestic abuse is in the child's best interest. The bill proposed to require that the court find by clear and convincing evidence that residing with that parent or having contact with that parent is in the child's best interest.

**LD 1110**                      **An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits**                      **PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-462

LD 1110 proposed to provide that, for purposes of calculating child support, disability benefits received by a child based on the disability of a nonprimary care provider must be counted toward the parental support obligation of the nonprimary care provider on whose disability the benefits are based.

**Committee Amendment "A" (H-462)** proposed to replace the bill. It proposed to replace the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. The amendment proposed to clarify that credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

As proposed, the child support amount may not be reduced because of the payment of the dependent benefits, and the obligor parent receives credit for the amount of dependent benefits paid, thereby reducing the amount of child support the obligor parent must pay. The credit may not exceed the child support obligation.

***Enacted law summary***

Public Law 1999, chapter 327 replaced the current law concerning a child's receipt of dependent benefits that are based on the disability of the parent obligated to pay child support. Credit for the payment of dependent benefits applies to child support obligations established administratively or by the court.

**LD 1120**

**An Act to Amend the Uniform Health Care Decisions Act**

**PUBLIC 411**

Sponsor(s)  
JABAR

Committee Report  
OTP-AM

Amendments Adopted  
H-616

LD 1120 proposed to amend the Health Care Decisions Act concerning surrogate decision-making. It proposed to authorize a surrogate to make any health care decision, other than to withhold or withdraw life-sustaining treatment, for a patient if the patient lacks capacity and no agent or guardian exists.

The bill also proposed to expand the list of persons who can act as a surrogate for a patient. Added to the list after immediate family members is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.

**Committee Amendment "A" (H-616)** proposed to replace the bill. It proposed to revise the surrogate's decision-making authority to allow the surrogate, when no agent or guardian exists, to make any health care decision for a patient who lacks capacity, as determined by the primary physician, except that the surrogate may not deny surgery, procedures or interventions that are lifesaving and medically necessary. It also proposed to revise the hierarchical list of persons who can act as a surrogate by moving a person who has a spouse-like relationship with the patient to one step below a spouse.

***Enacted law summary***

Public Law 1999, chapter 411 amends the Uniform Health Care Decisions Act concerning health care decisions made by a surrogate. It retains the current law concerning a patient in a terminal condition or persistent vegetative state. In addition, it authorizes a surrogate to make any health care decision for a patient if the patient lacks capacity and no agent or guardian exists, except that the surrogate may not deny surgery, procedures or interventions that are life-saving and medically necessary.

Chapter 411 also expands the list of persons who can act as a surrogate for a patient. Added to the list after the spouse is an adult who shares an emotional, physical and financial relationship with the patient similar to that of a spouse.

**LD 1121**

**An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court**

**PUBLIC 67  
EMERGENCY**

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

LD 1121 proposed to amend the statutes to make clear that a court security officer may be directed by a court to serve a protection from abuse order on a defendant who is present in the courthouse.

***Enacted law summary***

Public Law 1999, chapter 67 authorizes a court security officer to serve a protection from abuse order on a defendant who is present in the courthouse.

Chapter 67 was enacted as an emergency measure effective April 14, 1999.

**LD 1128**

**An Act Creating Offenses Against Unborn Children**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KASPRZAK	ONTP MAJ	
DAVIS P	OTP-AM MIN	

LD 1128 proposed to create new crimes against unborn children. Punishment was proposed as follows: for intentionally or knowingly causing the death of an unborn child, the same as for murder; voluntary manslaughter of an unborn child, a Class A crime; recklessly causing the death of an unborn child, a Class B crime, except that it would be reduced to a Class C crime if the death was caused by the reckless operation of a motor vehicle; assault and aggravated assault on an unborn child, Class D and Class C crimes, respectively.

The bill proposed that the crimes do not apply to an abortion to which the pregnant woman has consented, to acts committed pursuant to usual and customary standards of medical practice during diagnostic or therapeutic treatment, or to the pregnant woman.

**Committee Amendment "A" (H-612)**, the minority report of the committee, proposed to add a fiscal note to the bill.

**LD 1129**

**An Act to Amend the Laws Pertaining to the Maine HIV Advisory Committee**

**PUBLIC 390**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT	OTP-AM MAJ	H-371
MITCHELL B	ONTP MIN	S-295 GOLDTHWAIT

LD 1129 proposed to create a new membership structure for the Maine HIV Advisory Committee. It proposed to decrease the number of members from 36 to 21 and to create a membership committee within the Advisory Committee to appoint members, other than legislative members, from lists of nominations provided by specified groups of interested parties. It also proposed to pay a per diem to members with HIV or who are at risk for HIV, in addition to

reimbursement of expenses, which all members receive. The bill proposed to allow the members to annually elect a chair and vice-chair rather than having the governor designate them.

**Committee Amendment "A" (H-371)** proposed to remove the sections providing for per diem payments to certain members of the commission and to remove a section relating to acceptance of outside funding, since current law already includes such a provision.

**Senate Amendment "A" (S-295)** proposed to make a technical correction to the bill.

*Enacted law summary*

Public Law 1999, chapter 390 creates a new membership structure for the Maine HIV Advisory Committee. It decreases the number of members from 36 to 21 and creates a membership committee within the Advisory Committee to appoint members, other than legislative members, from lists of nominations provided by specified groups of interested parties. It also allows the members to annually elect a chair and vice-chair rather than having the governor designate them.

**LD 1137**                      **An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court**                      **PUBLIC 139**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER DAVIS P	OTP-AM	H-136

LD 1137 proposed to allow police officers to prosecute their own traffic infraction cases in District Court without the representation being considered an unauthorized practice of law.

**Committee Amendment "A" (H-136)** proposed to delete language requiring that representation by a law enforcement officer be approved by the District Court Judge presiding at the trial. It also proposed to clarify that representation by a law enforcement officer must be approved by the prosecuting attorney in each matter.

*Enacted law summary*

Public Law 1999, chapter 139 authorizes police officers to prosecute their own traffic infraction cases in District Court if that representation is approved by the prosecuting attorney in each matter.

**LD 1142**                      **An Act to Provide for Suit Against Certain State Employees**                      **ONTP**

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

LD 1142 proposed to provide that an employee of the Department of Human Services who, for inappropriate personal motives, seeks to deprive a person of rights in a child protection action is not entitled to absolute immunity from tort liability.

**Committee Amendment "A" (H-611)**, the minority report, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

<u>Sponsor(s)</u> AHEARNE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-691
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LD 1148 proposed to amend the Maine Tort Claims Act to clarify that governmental entities are immune from liability for claims arising out of failures or malfunctions of computers caused by the failure to properly recognize or otherwise process dates or times.

This bill was submitted on behalf of the Department of Administrative and Financial Services.

**Committee Amendment "A" (H-691)** proposed to more clearly define the computer problems for which immunity is provided. Immunity would be provided for failures or malfunctions related to the "Year 2000 problem," which is defined as those complications associated with using a 2-digit field to represent a year. The amendment also proposed to make the immunity provision applicable only to problems occurring before January 2, 2001.

#### *Enacted law summary*

Public Law 1999, chapter 456 clarifies that governmental entities covered by the Maine Tort Claims Act are immune from liability for claims arising out of computer malfunctions or failures related to "the Year 2000 problem." The Year 2000 problem is defined as complications associated with using a 2-digit field to represent a year and its result on the year change from 1999 to 2000. The immunity provision applies only to failures or malfunctions occurring before January 2, 2001.

<u>Sponsor(s)</u> MAYO ABROMSON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-461
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LD 1155 proposed to amend the State's Uniform Unclaimed Property Act as it applies to automatically renewable deposit accounts. The bill also proposed to clarify that deposit accounts that are IRAs or part of benefit plans are deemed abandoned according to the rules specifically related to IRAs or benefit plans. In addition, the bill proposed to clarify that fees properly assessed before the date of abandonment are not required to be refunded upon escheat to the State.

**Committee Amendment "A" (H-461)** proposed to makes the following changes to the bill:

1. Replace the provisions concerning the time period since a holder of property last received an indication of interest by an owner, after which deposits are presumed abandoned by the owner;
2. Clarify what constitutes "indication of interest" by an owner when the apparent owner has more than one relationship or account with the holder, such as a bank;
3. Clarify that certain inactivity fees assessed against an account prior to the time it is presumed abandoned may be deducted from the property escheated to the State; and
4. Add a fiscal note to the bill.

#### *Enacted law summary*

Public Law 1999, chapter 284 revises Maine’s Uniform Unclaimed Property Act to clarify what constitutes indication of interest by the owner, and the appropriate time periods, as they relate to abandonment of deposit accounts and funeral and burial plans. It also clarifies that inactivity fees may be deducted from property before it escheats to the State.

**LD 1156**                      **An Act to Repeal the Elective Share Available to Surviving Spouses under the Probate Code**                      **ONTP**

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

LD 1156 proposed to repeal the provisions in the Probate Code that provide that if a married person domiciled in this State dies, the surviving spouse has a right of election to take an elective share of 1/3 of the augmented estate.

**LD 1213**                      **An Act Regarding the Effective Date of Guardian Ad Litem Training**                      **PUBLIC 251**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JABAR	OTP-AM	H-439

LD 1213 proposed to postpone the effective date of the program of training and certification of guardians ad litem.

**Committee Amendment "A" (H-439)** proposed to replace the bill and revise the deadlines concerning the training and qualifications for guardians ad litem.

***Enacted law summary***

Public Law 1999, chapter 251 revises the deadlines concerning the training and qualifications for guardians ad litem as follows:

1. The Supreme Judicial Court must implement the guardian ad litem training program by November 1, 1999;
2. The Supreme Judicial Court must report back to the Joint Standing Committee on Judiciary by December 15, 1999 about the training, certification, assignment and supervision of guardians ad litem; and
3. All guardians ad litem appointed after March 1, 2000 in child protection and family law cases must meet the qualifications established by the Supreme Judicial Court.

**LD 1223**                      **An Act to Clarify the Immunity for Charitable Directors, Officers and Volunteers**                      **ONTP**

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

LD 1223 proposed to make clear that an unpaid volunteer who assists in the provision of legal services to indigent persons is not liable for inadvertent or negligent actions in providing legal services or advice.

**LD 1230**

**An Act Allowing Certain Exceptions to Jury Duty**

**ONTP**

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

LD 1230 proposed to allow prospective jurors to be excused from jury duty if they are unable to secure child care or have other pressing personal needs.

**LD 1243**

**An Act to Strengthen the Kinship Laws**

**PUBLIC 382**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	H-599

LD 1243 proposed to require the Department of Human Services to prefer residential placement of the child with other family members of the child after termination of parental rights.

**Committee Amendment "A" (H-599)** proposed to revise the bill to be consistent with federal law concerning the placement of children with relatives rather than with foster parents who are not related to the child.

*Enacted law summary*

Public Law 1999, chapter 382 requires, consistent with federal law, that the Department of Human Services consider placing a child with a relative rather than an unrelated foster family, as long as the relative meets all the relevant child protection standards that apply to foster care.

**LD 1251**

**An Act to Change the Reimbursement Rate for Law Enforcement Personnel Who Testify in Court**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT DAVIS P		

LD 1251 proposes to increase the reimbursement fee paid to a municipality by District Court for each day a law enforcement officer is present for a scheduled trial from \$25 to \$50.

This bill was recommitted to committee and carried over to the Second Regular Session.

**LD 1255**

**An Act Providing for Regulation of the Uses of Surface Waters within or Affecting Passamaquoddy Territory**

**ONTP**

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

LD 1255 proposed to give exclusive authority to regulate surface water use on ponds entirely within Passamaquoddy Indian territory to the Passamaquoddy Tribe and to give the Maine Indian Tribal-State Commission authority over surface water use of great ponds with at least 10%, but not all, of the shoreline within Passamaquoddy Indian territory.

**LD 1284**                      **An Act Regarding Test Results Used in Determining Paternity**                      **ONTP**

<u>Sponsor(s)</u> MCNEIL		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1284 proposed to require a court to make a new paternity determination if, after the court has entered a judgment that the alleged father is the legal father, the alleged father submits to blood or tissue-typing testing and the results show the alleged father is not the father.

**LD 1285**                      **An Act to Allow the Child Support Obligor the Right to Provide Day Care**                      **ONTP**

<u>Sponsor(s)</u> STANWOOD		<u>Committee Report</u> ONTP      MAJ OTP-AM    MIN		<u>Amendments Adopted</u>
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LD 1285 proposed to provide that the nonprimary residential care provider, or either party in case primary residential care is shared equally, may provide child care personally or by a close relative if it is consistent with the best interests of the child. As proposed, if a court does not allow child care, it must state the reasons in writing or on the record.

**Committee Amendment "A" (H-644)**, the minority report, proposed to add a fiscal note to the bill.

**LD 1294**                      **An Act to Provide for a Limited Waiver of Immunity**                      **CARRIED OVER**

<u>Sponsor(s)</u> POWERS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1294 proposes to waive immunity from liability for directors, officers and volunteers of charitable organizations when they cause harm while operating vehicles, vessels or aircraft. Liability would be limited to the amount of insurance coverage held by the director, officer or volunteer. The bill also proposes to void a provision in an insurance policy that attempts to exclude coverage for such claims.

This bill has been carried over to the Second Regular Session.

**LD 1303**                      **An Act to Amend the Statute of Limitations for Medical Malpractice**                      **CARRIED OVER**

<u>Sponsor(s)</u> WATSON RAND		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1303 proposes to amend the statute of limitations relating to health care providers and health care practitioners. The bill requires an action for professional negligence to be commenced within 3 years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury but not more than 6 years after the cause of action accrues.

This bill has been carried over to the Second Regular Session.

**LD 1324**                      **An Act to Eliminate the Need for a Foster Home License for Adoptive Parents**                      **ONTP**

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

LD 1324 proposed to allow a child who is being adopted to stay with the child's future adoptive parent without the parent having to license the home as a children's home during the pendency of a petition for adoption. See also LD 1744.

**LD 1325**                      **An Act to Provide Fairness to Victims of Medical Malpractice**                      **PUBLIC 523**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE THOMPSON	OTP-AM    MAJ ONTP        MIN	S-352 S-436 LONGLEY

LD 1325 proposed to expedite the operation of prelitigation screening panels under the Maine Health Security Act by allowing the hearing to be bypassed completely if it has not been held within 4 months, shortening certain time periods and allowing statements and presentations of the case in writing. The bill also proposed to clarify the role of the prelitigation screening panels by changing the standard of proof used by the panel, and how the findings may be used. The bill proposed that testimony made under oath in the panel proceedings can be used in subsequent proceedings for the purpose of impeachment.

**Committee Amendment "A" (S-352)**, the majority report, proposed to replace the bill. It proposed to limit depositions and require the panel to maintain a tape recorded record of the panel proceedings to be used for limited purposes in subsequent proceedings. The amendment proposed to change the standard that the panel must use to make its findings: whether the evidence, if properly substantiated, is sufficient to raise a legitimate question appropriate for judicial inquiry concerning the liability of the health care practitioner or health care provider. The panel findings would be admissible in court only if the panel were unanimous in finding against the claimant.

**Senate Amendment "A" to Committee Amendment "A" (S-381)** proposed to amend the comparative negligence question for the panel by requiring a finding of professional negligence before the panel considers whether the patient was also negligent. It also proposed to revise the admissibility of panel findings. (Not adopted)

**Senate Amendment "B" to Committee Amendment "A" (S-436)** proposed to incorporate the changes made by Senate Amendment "A" to Committee Amendment "A" to the bill and change the circumstances under which unanimous panel findings unfavorable to the person accused of professional negligence are admissible in a subsequent court action for professional negligence.

*Enacted law summary*

Public Law 1999, chapter 523 amends the Maine Health Security Act as follows:

1. It limits depositions to the parties and the experts designated by the parties, although the chair of the prelitigation screening panel may authorize deposing additional persons. Depositions must be admitted to the panel hearing regardless of whether the person deposed is available for the hearing; and
2. It requires the panel to maintain a tape recorded record of the panel proceedings. That record remains confidential except that testimony made under oath in the panel proceeding may be used in subsequent proceedings for purposes of impeachment. In addition, the person who made the statement or presented that evidence may agree to its submission, use or disclosure outside of the panel proceeding.

**LD 1341**

**An Act to Provide Additional Funding for the Maine Indian Tribal-State Commission**

**P&S 51**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE CATHCART	OTP-A	H-161

LD 1325 proposed to provide additional funding (\$75,000 in fiscal year 1999-00 and \$100,000 in fiscal year 2000-01) to the Maine Indian Tribal-State Commission to meet its obligations under the Maine Indian Claims Settlement Act. (This bill was referred to the Joint Standing Committee on Appropriations and Financial Affairs.)

**Committee Amendment "A" (H-161)** proposed to reduce the General Fund appropriation in the bill to \$15,000 in each of fiscal years 1999-00 and 2000-01.

*Enacted law summary*

Private and Special Law 1999, chapter 51 provides a General Fund appropriation to the Maine Indian Tribal-State Commission of \$15,000 on each of fiscal years 1999-00 and 2000-01.

**LD 1371**

**An Act Regarding the Collection of Child Support by Custodial Parents**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MENDROS MITCHELL B	ONTP	

LD 1371 is a concept draft pursuant to Joint Rule 208. It proposed to establish better methods to ensure that noncustodial parents who have been ordered or obligated to pay child support in fact make those child support payments in a timely fashion.

**LD 1375**

**An Act to Provide Post-judgment Interest in Small Claims Actions**

**PUBLIC 109**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COWGER	OTP-AM	H-137

LD 1375 proposed to provide for prejudgment and post-judgment interest on money judgments awarded in small claims actions.

**Committee Amendment "A" (H-137)** proposed to remove the provision allowing for prejudgment interest on money judgments awarded in small claims actions.

*Enacted law summary*

Public Law 1999, chapter 109 provides for post-judgment interest on money judgments awarded in small claims actions.

**LD 1405**                      **An Act to Allow for a Citizen's Petition for a Grand Jury**                      **ONTP**

<u>Sponsor(s)</u> LIBBY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1405 proposed to require the Chief Justice of the Superior Court to summon a grand jury upon receipt of a petition signed by at least 10% of a county's adult, resident citizens.

**LD 1411**                      **An Act Regarding Counseling in Divorce and Separation**                      **ONTP**

<u>Sponsor(s)</u> CAREY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1411 proposed to establish a divorce effects program. As proposed, the court must order every party to a proceeding for judicial separation, divorce, award of parental rights and responsibilities when the parents live apart or child support to attend such a program when minor children are involved. The bill proposed who may provide such a program and the program's content with regard to the effect of divorce on children. The bill also proposed that the party initiating a judicial separation or divorce proceeding or proceeding when parents live apart be required to show that parental separation is in a child's best interest.

**LD 1422**                      **An Act Requiring Notice to Be Given to Alleged Perpetrators**                      **ONTP**

<u>Sponsor(s)</u> PIEH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1422 proposed to require notification of alleged perpetrators in child protective proceedings and to grant them the right to testify and present evidence in those proceedings. It proposed to provide that a criminal case may not be brought against the alleged perpetrator if the court finds in favor of the alleged perpetrator.

**LD 1427**                      **An Act to Amend the Laws Regarding Domestic Violence Incidence Reports**                      **ONTP**

<u>Sponsor(s)</u> MUSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1427 proposed to allow criminal justice agencies to release domestic violence incidence reports to agencies who contract with the State to provide services and support to victims and families of victims of domestic and family violence.

**LD 1449**                      **Resolve, Directing Cooperation between the Department of Human Services and the Passamaquoddy Tribe in Providing Human Services Programs**                      **ONTP**

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

LD 1449 proposed to require the Commissioner of Human Services to formulate agreements with the Passamaquoddy Tribe to provide state recognition of foster care homes approved by the tribe and funding for children in foster care custody of the tribe. See also LD 523.

**LD 1460**                      **An Act to Allow Sharing of Information for Child Protective Investigations**                      **PUBLIC 305**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM	H-438

LD 1460 proposed to permit the release of reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of certain state agencies, including law enforcement agencies, to the Department of Human Services, Bureau of Child and Family Services for use in the investigation of suspected abuse or neglect.

**Committee Amendment "A" (H-438)** proposed to clarify that the information shared with the Department of Human Services, Bureau of Child and Family Services is limited to information for use in the investigation of suspected abuse or neglect.

*Enacted law summary*

Public Law 1999, chapter 305 allows certain state agencies, including law enforcement agencies, to share with the Department of Human Services reports and records that contain intelligence and investigative information for use in the investigation of suspected abuse or neglect.

**LD 1471**                      **An Act to Amend the Laws Governing Wrongful Death**                      **CARRIED OVER**

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

LD 1471 proposes to change the statute of limitations under the Maine Health Security Act for medical malpractice when the lawsuit results from an alleged wrongful death. If the death occurred within the 3-year period provided under the Maine Health Security Act, the wrongful death action must be filed within 2 years of the death, and all

other provisions of the Maine Probate Code's wrongful death statute, including caps on the amount of damages recoverable, will apply.

This bill has been carried over to the Second Regular Session.

**LD 1486**                      **An Act to Include Fraudulent Billing by Attorneys under the Unfair Trade Practices Act**                      **ONTP**

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

LD 1486 proposed to amend the Maine Unfair Trade Practices Act to allow its civil remedies to apply to attorneys' billing practices that are unfair competition or deceptive acts.

**LD 1487**                      **An Act to Bring Equity into Custodial Agreements**                      **ONTP**

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

LD 1487 proposed to create a presumption in custody cases that an equal allocation of parental rights and responsibilities is in the best interest of the child.

**Committee Amendment "A" (H-530)**, the minority report of the committee, proposed to strike out the language in the bill referring to an agreement of the parties for an allocation other than equal allocation of parental rights and responsibilities. (Not adopted)

**LD 1488**                      **An Act to Ensure Compliance with Court Orders Relating to Child Visitation**                      **DIED BETWEEN BODIES**

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

LD 1488 proposes to require a judge to provide compensatory visitation if the parent who has primary physical residence with the child denies visitation.

**LD 1514**                      **An Act to Amend the Filing Requirements to Perfect a Purchase Money Security Interest in Consumer Goods**                      **ONTP**

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

LD 1514 proposed to amend the Uniform Commercial Code, secured transactions, to eliminate the dollar limitation in the provision allowing perfection of a purchase money security interest in consumer goods without filing a financing statement. See also LD 2245.

**LD 1523**

**An Act to Amend Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial**

**PUBLIC 503**

<u>Sponsor(s)</u> WINSOR BENNETT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-637
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LD 1523, a concept draft pursuant to Joint Rule 208, proposed to require a court to order that a defendant found incompetent to stand trial be confined by the State for the purpose of obtaining treatment, and confined until the court found that the defendant was competent to stand trial.

**Committee Amendment "A" (H-637)** proposed to replace the original bill by deleting the one-year limitation on how long a defendant can be held if found incompetent to stand trial, and by requiring the court to order the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to start involuntary commitment procedures for a defendant who the court has determined is not competent and there does not exist a substantial probability that the defendant will be competent in the foreseeable future if the defendant is charged with specific serious crimes: crimes against the person; sexual assault; criminal restraint and kidnapping; harassment; arson; and causing a catastrophe .

***Enacted law summary***

Public Law 1999, chapter 503 amends the current law to establish a procedure to deal with defendants who are found incompetent to stand trial by a court. First, consistent with State v. Dedekian, 680 A.2d 441 (1996), the one-year limitation on how long a defendant may be confined by the State is eliminated, as long as there is a substantial probability that the defendant will attain capacity in the foreseeable future. Second, the court is required to order the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to start involuntary commitment procedures for a defendant who the court has determined is not competent and there does not exist a substantial probability that the defendant will be competent in the foreseeable future if the defendant is charged with specific serious crimes: crimes against the person; sexual assault; criminal restraint and kidnapping; harassment; arson; and causing a catastrophe.

**LD 1538**

**An Act to Grant Immunity to Medical Professionals Conducting Body Cavity Searches for Drugs**

**PUBLIC 290**

<u>Sponsor(s)</u> SCHNEIDER	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-460
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LD 1538 proposed to provide protection from criminal and civil liability for medically trained personnel, such as medical doctors and registered nurses, who conduct body cavity searches pursuant to a body cavity search warrant. This bill is the recommendation of the Attorney General.

**Committee Amendment "A" (H-460)** proposed to replace the bill. It proposed to provide immunity to persons authorized by rules adopted by the Attorney General to conduct body cavity searches if the person, exercising due care, conducts a body cavity search pursuant to a search warrant directing a body cavity search.

***Enacted law summary***

Public Law 1999, chapter 290 provides immunity to persons authorized by rules, adopted by the Attorney General, to conduct body cavity searches if the person, exercising due care, conducts a body cavity search pursuant to a search warrant directing a body cavity search.

**LD 1549**                      **An Act to Protect the Riparian Rights of Owners of Rockweed, Seaweed and Other Assets on Intertidal Land**                      **ONTP**

<u>Sponsor(s)</u> GOODWIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1549 proposed to prohibit cutting down, harvesting, destroying, injuring or carrying away seaweed, rockweed, marine vegetation, stones, gravel, ore or property of any kind on intertidal land without the permission of the owner.

**LD 1557**                      **An Act to Expand a Judge's Powers for Contemptuous Failure to Pay**                      **CARRIED OVER**

<u>Sponsor(s)</u> MILLS		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1557 proposes to expand the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. The bill proposes that, in addition to a reasonable fine and term of imprisonment, the court may suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses.

This bill has been carried over to the Second Regular Session.

**LD 1577**                      **An Act to Amend the Liability Limit under the Maine Tort Claims Act**                      **PUBLIC 460**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> OTP-AM    MAJ ONTP        MIN		<u>Amendments Adopted</u> H-565
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LD 1577 proposed to increase the liability limit under the Maine Tort Claims Act from \$300,000 to \$500,000.

**Committee Amendment "A" (H-565)** proposed to raise the liability limit to \$400,000 instead of \$500,000 as proposed in the bill.

***Enacted law summary***

Public Law 1999, chapter 460 increases the liability limit under the Maine Tort Claims Act from \$300,000 to \$400,000. Pursuant to LD 2255, Part C, the increased limit applies to claims or actions arising out of acts or omissions occurring on or after the effective date of chapter 460.

**LD 1586**

**An Act to Require the Holder or Servicer of a Mortgage to Record the Discharge Within 60 Days**

**PUBLIC 230**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAVERDIERE	OTP-AM	H-382

LD 1586 proposed to require a mortgagee, or the mortgagee's successor in interest, to record the discharge of a mortgage within 30 days after receipt of full payment of the mortgage. The bill proposed that a mortgagee who fails to do so is subject to a penalty based on the original amount of the mortgage plus an attorney's fee.

**Committee Amendment "A" (H-382)** proposed to require the current holder or servicer of the mortgage to record the discharge of a mortgage within 60 days of the satisfaction of the mortgage and to impose penalties. The amendment proposed to add an application section and a fiscal note to the bill.

*Enacted law summary*

Public Law 1999, chapter 230 requires the current holder or servicer of a mortgage to record the discharge of the mortgage within 60 days of satisfaction of the mortgage. It also provides for a penalty equal to the greater of actual damages incurred by the mortgagor or exemplary damages of \$200 per week after the 60-day period has expired, to a maximum of \$5,000.

**LD 1591**

**An Act to Amend the Laws Concerning HIV Testing**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS MITCHELL B	ONTP MAJ OTP MIN	

LD 1591 proposed to remove the requirement that HIV testing sites be anonymous sites and to provide for confidential sites. The bill also proposed to remove the requirement that informed consent to an HIV test be in writing.

**LD 1592**

**An Act to Encourage Joint Custody Practices**

**ONTP**

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

LD 1592 proposed to establish the policy that parents should be awarded shared parental rights and responsibilities unless the court finds that the joint responsibility would not be in the child's best interest. The bill proposed that the court must provide that the parents equally share the responsibility for providing their child's residential care, unless the court makes a finding that the equal sharing is not in the child's best interest. As proposed, the parents may agree to a sharing of parental rights and responsibilities, including the provision of residential care, which the court must accept or provide written reasons why the agreement is not in the child's best interest.

**Committee Amendment "A" (H-564)**, the minority report of the committee, proposed to delete language in the bill concerning the stipulation as to who may be designated as the public assistance recipient.

**LD 1593**

**An Act to Ban Partial Birth Abortion**

**DIED BETWEEN BODIES**

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

LD 1593 is an initiated bill. It prohibits partial-birth abortions except when such an abortion is necessary to save the life of the mother. It proposed that violation of the prohibition is a Class D crime, and that the physician performing the abortion is subject to damages in a civil suit. As proposed, the mother may not be prosecuted.

**Committee Amendment "A" (H-627)**, the minority report of the committee, proposed to add a fiscal note to the bill.

Because the bill was not enacted by the Legislature without change, pursuant to Article IV, Part Third, Section 18 of the Maine Constitution, the proposed language will appear as a referendum question submitted to voters.

**LD 1603**

**An Act to Amend the Wrongful Death Laws**

**CARRIED OVER**

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

LD 1603 proposes to eliminate the current cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current cap of \$75,000 that may be awarded in punitive damages.

This bill has been carried over to the Second Regular Session.

**LD 1620**

**Resolve, to Extend the Statute of Limitations for Victims of Abuse at the Governor Baxter School for the Deaf**

**CARRIED OVER**

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

LD 1620 proposes to allow any person who was a student at the Governor Baxter School for the Deaf between 1974 and 1998 to bring an action against the school notwithstanding any provision of the law limiting the time period for which an action may be commenced or concerning the Maine Tort Claims Act. The resolve proposes that a person bringing an action pursuant to this resolve has 3 years from the effective date of the resolve to file the action. This bill has been carried over to the Second Regular Session.

**LD 1670**

**An Act to Amend the Conservation Easement Laws**

**ONTP**

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

LD 1670 proposed to require a change in the boundaries of a leasehold that affects a conservation easement to be approved by both the owner of the leased property and the holder of the easement and to require that the holder's approval be made by private and special law if the holder of the easement is the State.

**LD 1673**

**An Act to Amend the Abandoned Property Laws**

**PUBLIC 232**

<u>Sponsor(s)</u> THOMPSON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-436
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LD 1673 proposed to amend the Maine Uniform Unclaimed Property Act to provide for redemption of gift certificates at 60% of a gift certificate's face value.

**Committee Amendment "A" (H-436)** proposed to replace the bill. It proposed to provide that the amount abandoned is 60% of the face value of the gift certificate if the issuer imposes neither a dormancy charge nor a period of limitation on the owner's right to redeem the certificate at 100% of face value. The bill proposed that if the issuer does not meet that criteria, the current language applies; that is, the amount abandoned is the purchase price paid for the certificate.

*Enacted law summary*

Public Law 1999, chapter 232 amends the Maine Uniform Unclaimed Property Act to provide that if a gift certificate is not redeemed within the presumptive abandonment period, the amount abandoned is 60% of the face value of the gift certificate if the issuer imposes neither a dormancy charge nor a period of limitation on the owner's right to redeem the certificate at 100% of face value. If the issuer does not meet that criteria, the amount abandoned is the purchase price paid for the certificate.

**LD 1717**

**An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient**

**CARRIED OVER**

<u>Sponsor(s)</u> ABROMSON BRENNAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1717 proposes to make communication between a licensed professional counselor and a patient privileged if the communication was received during the course of professional counseling services, with certain exceptions. The communication could be disclosed when the licensed counseling professional determines the patient needs to be hospitalized due to mental illness, when a court orders the examination of a patient to determine the emotional or mental condition of the patient, when a patient raises the patient's mental or emotional condition as a defense in a proceeding at law or in equity, when the communication is to a person who is present or participating in the professional service, including 3rd party reimbursors and clinical or peer supervisors, or when the communication is necessary to further the best interest of the patient or is reasonably necessary for the transmission of the communication.

This bill has been carried over to the Second Regular Session.

**LD 1720**

**An Act to Recover Economic Loss Attributable to Tobacco Use**

**ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1720 proposed to create a uniform prospective remedy for recovery of economic loss, including related costs and legal fees, caused by tobacco exposure. As proposed, the liabilities created by the law apply only to manufacturers and not to other members of the tobacco industry.

The bill proposed that manufacturers are prospectively held to a strict liability standard and are deprived of the contributory negligence defense; but victims may not recover noneconomic damages.

The bill proposed that group losses asserted by the State, insurers or health care providers are provable on the basis of market share liability with the aid of certain presumptions that the manufacturers are permitted to rebut or adjust.

The bill proposed that the remedies are expressly cumulative and not intended to foreclose remedies that may exist or arise from interpretations of common law or state or federal laws. As proposed, amounts that may be recovered in prior tobacco settlements are credited against any losses to which those recoveries pertain.

**LD 1744**                      **An Act to Allow Child-placing Agencies to License Preadoptive Homes as Foster Care Homes for a Child Placed in that Home Awaiting Adoption**                      **PUBLIC 265**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TESSIER MURRAY	OTP	

LD 1744 proposed to permit a licensed child-placing agency to designate a preadoptive parent's home as a foster home for the purpose of placing the child to be adopted in that home prior to finalization of the adoption.

*Enacted law summary*

Public Law 1999, chapter 265 permits a licensed child-placing agency to designate a preadoptive parent's home as a foster home for the purpose of placing the child to be adopted in that home prior to finalization of the adoption.

**LD 1753**                      **An Act to Require Noncustodial Parents to Contribute to the Higher Education of Their Children**                      **ONTP**

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

LD 1753 proposed to require a parent paying child support to contribute to the costs of postsecondary education for the child until the child graduates, withdraws is expelled, or turns 23 years of age, whichever occurs first.

**LD 1771**                      **An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions**                      **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN MITCHELL B		

LD 1771 proposes a limit of \$250,000 on noneconomic damages in medical liability actions. The bill proposes that a plaintiff is still entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses.

This bill has been carried over to the Second Regular Session.

**LD 1783**                      **An Act to Clarify the Limited Liability for Recreational or Harvesting Activities**                      **ONTP**

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

LD 1783 proposed to specify that the limit on liability for recreational or harvesting activities does not apply to a person who has been invited onto the premises.

**LD 1791**                      **An Act to Promote Effective Management of Occupational Exposure to HIV**                      **PUBLIC 429**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOLDTHWAIT	OTP-AM    MAJ OTP-AM    MIN	S-326

LD 1791 proposed to expand the options for obtaining authorization to conduct an HIV test on a blood or tissue sample when an occupational exposure has occurred in a health care setting and the person who was the source of the blood or body fluid that caused the exposure is unavailable or unable to give consent, such as when the person is unconscious.

**Committee Amendment "A" (S-326)**, the majority report of the committee, proposed to clarify when a source person is unavailable or unable to give consent to the test, specifies who may receive the test results and clarifies that, if the person contacted for authorization refuses to authorize a test, the test may not be performed without the source person's consent or judicial authorization.

The amendment also proposed to clarify that the law applies to volunteer emergency services personnel, including volunteer firefighters and licensed emergency medical services persons.

The amendment proposed to require the Department of Human Services, Bureau of Health, to study options for expanding the application of the law to other groups of employers and to report back to the Joint Standing Committee on Judiciary by December 31, 1999. The committee would be authorized to report out legislation in response to the report.

**Committee Amendment "B" (S-327)**, the minority amendment of the committee proposed to expand the application to all places of employment subject to the Occupational Safety and Health Act regulation on blood-borne pathogens. A place of employment is subject to that OSHA standard if employees there are "reasonably anticipated" to come into contact with blood, other body fluids or other infectious material.

This amendment proposed to clarify when a patient is unavailable to give consent, specify who may receive the test results and clarify that if any person refuses to give authorization, the test may not be performed without judicial consent or the consent of the source patient. It also proposed to clarify that the law applies to exposures of volunteer emergency services personnel, including volunteer firefighters and licensed emergency medical services persons. (Not adopted)

***Enacted law summary***

Public Law 1999, chapter 429 expands the options for obtaining authorization to conduct an HIV test on a blood or tissue sample when an occupational exposure has occurred in a health care setting and the source person is unavailable or unable to give consent, e.g., when the source person is unconscious. In that situation, the source person’s legal guardian, adult relative, person with power of attorney for health care, certain other adults, or a physician familiar with occupational exposure to HIV may authorize the test. If any person on the list refuses to authorize the test, the test may not be performed without judicial consent or the consent of the source person. The law specifies who may receive the test result, and what information may be kept in personal records. The law clarifies that exposures received by members of a rescue team during performance of emergency services are occupational exposures, even if the person is not paid for services.

The law requires the Department of Human Services, Bureau of Health, to study options for expanding the application of the law to other groups of employers and to report back to the Joint Standing Committee on Judiciary by December 31, 1999. The Judiciary Committee is authorized to report out legislation in response to the report.

**LD 1792**                      **An Act Relating to the Admissibility of Medical Records and Reports**                      **ONTP**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1792 proposed to authorize the admission of medical records into court proceedings without requiring the maker of the record or the record custodian to be called as a witness to authenticate the record.

**LD 1795**                      **An Act to Validate Pierringer Releases and Reform Procedures in Multiparty Lawsuits**                      **CARRIED OVER**

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1795 proposes to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants.

The bill also proposes to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarify how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements.

The bill also proposes to authorize the courts to approve Pierringer release procedures in complex litigation. In a Pierringer settlement, the plaintiff gives up that share of recovery that is proportional to the settling defendant’s fraction of responsibility. The purpose of a Pierringer release is to permit one defendant to settle with the plaintiff and to withdraw finally from the suit even when there are cross-claims against the defendant.

This bill has been carried over to the Second Regular Session.

**LD 1842**

**An Act to Require Disclosure of Vital Information When a Conservation Easement or Preservation Interest is Created**

**ONTP**

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

LD 1842 proposed to require that, at the time of the creation or conveyance of a conservation easement or preservation interest, the owner of a servient estate or subject property sign a consent form disclosing information about the physical restrictions and legal restraints the easement or interest places on the estate or property; the duration of the easement or interest; and the identity and description of the general activities and purpose of the holder of the easement or interest.

**LD 1850**

**An Act to Amend the Laws Regarding Real Estate Transfers**

**ONTP**

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

LD 1850 proposed to prohibit a person from conveying a parcel of real estate unless the deed clearly delineates any right-of-way that is within the bounds of the deed and that provides access to the property described in the deed; lists the party responsible for the maintenance of a right-of-way delineated in the deed; and lists the purpose for the maintenance of a right-of-way delineated in the deed.

**LD 1857**

**An Act to Amend the Freedom of Access Laws**

**INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHICK MACKINNON	ONTP MAJ OTP-AM MIN	

LD 1857 proposed to amend the freedom of access laws to require 72 hours of notice prior to a public meeting, to require the notice to include an agenda listing items to be discussed at the meeting and to prohibit the agency from discussing items not included on that agenda. The bill also proposed to increase the penalties for a violation of the freedom of access laws and to void any government action taken at a meeting held in violation of the freedom of access laws unless the violation was acknowledged and the action was reconsidered.

**Committee Amendment "A" (H-479)** proposed to replace the bill. It proposed to allow a person other than the Attorney General or a district attorney to bring an action to enforce the freedom of access laws if the Attorney General failed to bring an action within 30 days after receiving a complaint of a violation. Any civil forfeiture recovered in the action would be paid to the State, not to the person bringing the action. (Not adopted)

**House Amendment "A" to Committee Amendment "A" (H-668)** proposed to replace the fiscal note on the committee amendment to classify the bill as a state mandate on municipalities. (Not adopted)

**House Amendment "B" to Committee Amendment "A" (H-734)** proposed to add a mandate preamble. (Not adopted)

<u>Sponsor(s)</u> MCNEIL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-437
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LD 1860 proposed to authorize the Probate Court to appoint a temporary guardian for a minor when an emergency exists.

**Committee Amendment "A" (H-437)** proposed to replace the bill. It proposed to extend the Probate Court's current authority to appoint temporary guardians of minors by allowing a hearing after only 5 days' notice. It also proposed to remove any requirement of notice to the parents or others if the person's address and whereabouts are unknown and cannot be determined with due diligence. As proposed, the court may waive notice upon a showing of good cause if the minor for whom the temporary guardian will be appointed is 14 years of age or older. Current law limits a temporary guardianship to 6 months.

*Enacted law summary*

Public Law 1999, chapter 303 authorizes the Probate Court to appoint a temporary guardian for a minor after a hearing with only 5 days' notice. Notice to the parents is not required if their address and whereabouts are unknown and cannot be determined with due diligence. The court may waive notice upon good cause shown if the minor is at least 14 years old.

<u>Sponsor(s)</u> JABAR		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1865 proposed to reconcile the Maine Tort Claims Act and the Highway Defect Statute laws by removing an exemption under the Maine Tort Claims Act, thus making government entities liable for defects, lack of repair or lack of sufficient railing.

<u>Sponsor(s)</u> SOCTOMAH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1914 proposed to clarify tribal jurisdiction over rights-of-way over or abutting tribal lands and the collection of fines from violations occurring on tribal lands and rights-of-way.

<u>Sponsor(s)</u> DUDLEY DOUGLASS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-563
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LD 1923 proposed to facilitate the establishment of trail easements by public agencies and nonprofit organizations such as land trusts by specifying that such easements for the use of the public are valid and enforceable even if they lack some characteristics required of easements under common law. It also proposed to define terms used in instruments creating trail easements and specify who may bring or intervene in actions affecting a trail easement.

**Committee Amendment "A" (H-563)** proposed to provide that trail easements may be created for pedestrian use, snowmobile use, all-terrain vehicle use or any combination of those uses if the instrument creating the easement so provides. It also proposed to delete the provision defining certain terms that may be used in an easement document and delete the provision allowing for application of the law to easements created before the effective date.

#### *Enacted law summary*

Public Law 1999, chapter 371 facilitates the establishment of trail easements by public agencies and nonprofit organizations such as land trusts by specifying that such easements for the use of the public are valid and enforceable even if they lack some characteristics required of easements under common law. It provides that trail easements may be created for pedestrian use, snowmobile use, all-terrain vehicle use or any combination of those uses if the instrument creating the easement so provides. It also specifies who may bring or intervene in a court action relating to the easement.

<u>Sponsor(s)</u> DAGGETT	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 1941 proposes a process for the involuntary commitment of persons in need of treatment for substance abuse or substance addiction.

This bill has been carried over to the Second Regular Session.

<u>Sponsor(s)</u> MACDOUGALL MACKINNON	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1949 proposed to require a waiting period of 60 days after a permissive mental examination is reported to a court before the defendant who is the subject of the report may be tried. The bill proposed to require a waiting period of 30 days after a post-conviction examination is reported to the court before the defendant may be sentenced.

**LD 1961**

**An Act to Amend the Right of Entry Clauses**

**CARRIED OVER**

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

LD 1961 proposes to amend the right of entry clauses for the Maine Land Use Regulation Commission, the Bureau of Parks and Lands and the Department of Environmental Protection, and under the forest practices laws. The bill proposes that entry upon private land by an agent or employee of the agencies or department is a trespass unless certain circumstances exist.

This bill has been carried over to the Second Regular Session.

**LD 1969**

**An Act to Revise Certain Provisions of the Medical Examiner Act**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCALEVEY O'GARA	ONTP	

LD 1969 proposed to amend the Medical Examiner Act to address the confidentiality of records and information, address testing for HIV, clarify the procedures for investigating by law enforcement officers, and procedures for the proper disposition of dead bodies.

**LD 1971**

**An Act Regarding Property Tax Liens**

**CARRIED OVER**

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

LD 1971 proposes to require the former owner of real property to notify the State Tax Assessor and the local tax assessor of the transfer of the property within 10 days of the transfer. It also proposes to require a lien on real estate to be placed in the name of the new owner if the assessor has written notice of the change in ownership.

This bill has been carried over to the Second Regular Session.

**LD 1972**

**Resolve, to Establish a Commission to Encourage Incorporations in Maine**

**RESOLVE 67  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM	H-549 O'NEAL S-215

LD 1972 proposed to create the Commission to Encourage Incorporations in Maine. It proposed that the commission make recommendations on how to encourage corporations to incorporate in Maine initially, and how to encourage existing corporations incorporated elsewhere to reincorporate in Maine.

**Committee Amendment "A" (S-215)** proposed to revise the membership of the commission to limit it to 8 legislative members, consisting of 3 Senators and 5 Representatives. It also proposed to expand the duties to include looking for creative incentives to broaden Maine's economic base.

**House Amendment "A" (H-549)** proposed to change the convening date to the last business day in July 1999.

*Enacted law summary*

Resolve 1999, chapter 67 creates the Commission to Encourage Incorporations in Maine. The commission, made up of eight legislators, will make recommendations on how to encourage corporations to incorporate in Maine initially, and how to encourage existing corporations incorporated elsewhere to reincorporate in Maine. The report is due December 15, 1999.

Chapter 67 was enacted as an emergency measure effective June 10, 1999.

**LD 1990**                      **An Act to Require Economic and Taking Impact Analyses to Protect Individual Rights**                      **CARRIED OVER**

<u>Sponsor(s)</u> JOY		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1990 proposes to create the Private Property and Individual Rights Protection Act, which requires economic impact analyses and takings impact analyses to be conducted prior to the adoption or enactment of all laws, policies, regulatory actions or local ordinances. This bill also proposes to require the State and its political subdivisions to comply with the constitutional takings principles espoused in several state and federal court cases.

This bill has been carried over to the Second Regular Session.

**LD 1994**                      **An Act to Amend the Laws Regarding Unlawful Cutting of Trees**                      **PUBLIC 339**

<u>Sponsor(s)</u> FOSTER KIEFFER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-459
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LD 1994 proposed to require the court to decide whether damages awarded in a civil suit for unlawful cutting of trees are to be based upon market value or the forfeiture amount in the Maine Revised Statutes, Title 17.

**Committee Amendment "A" (H-459)** proposed to give the court the authority to reduce the damages awarded for good cause shown when trees were cut either negligently or without fault.

*Enacted law summary*

Public Law 1999, chapter 339 gives the court, in a civil suit for unlawful cutting of trees, the authority to reduce the damages awarded for good cause shown, but only when the trees were cut either negligently or without fault.

**LD 2014****An Act to Institutionalize Substance Abuse Treatment Courts in Maine****CARRIED OVER**

<u>Sponsor(s)</u> SAVAGE W AMERO	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2014 proposes enabling legislation for the creation of substance abuse treatment courts, also known as "drug courts," throughout the State. The bill also proposes continuing financial support for Cumberland County's "Project Exodus," the one existing substance abuse treatment court in the State.

This bill has been carried over to the Second Regular Session.

**LD 2022****An Act to Improve the Marketability of Real Estate Titles****PUBLIC 343**

<u>Sponsor(s)</u> LAVERDIERE	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-507
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LD 2022 proposed to provide that a release of all rights by a spouse in a conveyance of property transfers all rights in the property even if the spouse's name was not set forth in the beginning of the deed as a grantor. It proposed to require a person who wishes to preserve rights under a deed entered into before the effective date of the new law to file notice in the registry of deeds and begin a civil action by November 1, 2000.

**Committee Amendment "A" (H-507)** proposed to add a mandate preamble and a fiscal note to the bill.

***Enacted law summary***

Public Law 1999, chapter 343 provides that a release of all rights by a spouse in a conveyance of property transfers all rights in the property even if the spouse's name was not set forth in the beginning of the deed as a grantor. It requires a person who wishes to preserve rights under a deed entered into before the effective date of the new law to file notice in the registry of deeds and begin a civil action by November 1, 2000.

**LD 2030****An Act to Implement Recommendations of the Maine Indian Tribal-State Commission Relating to Tribal Land Use Regulation****DIED IN CONCURRENCE**

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

LD 2030 proposed to implement recommendations concerning tribal land use regulation pursuant to Resolve 1997, chapter 45 to clarify that the authority to regulate land use in Indian territory rests with the Passamaquoddy Tribe and the Penobscot Nation. As proposed, the bill excludes tribal lands in Albany Township.

**LD 2051**

**An Act to Clarify the Immunity of Law Enforcement Officers in Enforcing Protective Orders**

**CARRIED OVER**

Sponsor(s)  
DUDLEY  
RAND

Committee Report

Amendments Adopted

LD 2051 clarifies that the immunity from civil liability provided under the Maine Tort Claims Act applies to law enforcement officers enforcing protective orders regardless of where those orders were issued.

This bill has been carried over to the Second Regular Session.

**LD 2067**

**An Act to Expand Pretrial Services for the Bail and Supervision of Criminal Defendants Statewide**

**CARRIED OVER**

Sponsor(s)  
FRECHETTE  
MURRAY

Committee Report

Amendments Adopted

LD 2067 proposes that the State Court Administrator of the Administrative Office of the Courts establish guidelines for and award contracts to providers of pretrial services.

This bill has been carried over to the Second Regular Session.

**LD 2072**

**An Act to Clarify the Admissibility of Electronic Records and Signatures** **CARRIED OVER**

Sponsor(s)  
THOMPSON

Committee Report

Amendments Adopted

LD 2072 proposes standards and procedures for the validity and admissibility into evidence in a legal proceeding of electronic records and proposes that an electronic signature have the same legal force and effect as a manual signature.

This bill was submitted on behalf of the Department of Administrative and Financial Services.

This bill has been carried over to the Second Regular Session.

**LD 2117**

**An Act to Improve Responsible Check Writing**

**ONTP**

Sponsor(s)  
SNOWE-MELLO

Committee Report  
ONTP

Amendments Adopted

LD 2117 proposed to require any person writing a check to provide that person's name, address, phone number and identification. It also proposed to require a notice for nonpayment of a check to state that failure to honor the debt may constitute a criminal offense that may result in a fine or imprisonment.

**LD 2121**                      **An Act Regarding Regulations and Compensation to Property Owners**                      **CARRIED OVER**

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

LD 2121 proposes to allow a property owner to seek compensation from a unit of government in Maine when a regulation imposed by that unit of government reduces the fair market value of the property and there is destruction or damage to or trespass upon the property or a loss of the rightful use of the property.

This bill has been carried over to the Second Regular Session.

**LD 2123**                      **An Act to Require a 24-hour Waiting Period before an Abortion May Be Performed**                      **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE DAVIS P	ONTP      MAJ OTP-AM    MIN	

LD 2123 proposed to repeal existing standards for informed consent to abortion and replace them with a provision modeled after the Pennsylvania statute held constitutional in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833, 112 S.Ct. 2791, 120 L.Ed.2d 674 (1992).

**Committee Amendment "A" (H-628)**, the minority report of the committee, proposed to add an appropriation section and a fiscal note to the bill. (Not adopted)

**LD 2166**                      **An Act to Enhance Communications Between the Department of Corrections, the Judiciary and Law Enforcement Agencies**                      **PUBLIC 451  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAXL M LONGLEY	OTP-AM	H-634

LD 2166 proposed to give responsibility to the current Maine Criminal Justice Information System Policy Board to implement a centralized, computerized criminal and civil justice information system by a date certain. The bill proposed to appropriate funds to the Judicial Department to employ an executive director to assist the board.

**Committee Amendment "A" (H-634)** proposed to replace the bill. It proposed to revise the duties and composition of the Maine Criminal Justice Information System (MCJUSTIS) Policy Board. It also proposed to carry out the interim recommendations of the MCJUSTIS Policy Board concerning the redrafting of criminal and civil violations pursuant to Resolve 1997, chapter 105 by extending that reporting date to December 15, 1999.

***Enacted law summary***

Public Law 1999, chapter 451 revises the duties and composition of the Maine Criminal Justice Information System (MCJUSTIS) Policy Board. The information to be shared among criminal justice agencies and authorized private users

is expanded to include conditions of release for persons on probation or parole or admitted to bail and information about protection orders, including the conditions established in protection orders. The MCJUSTIS Policy Board membership is revised to delete the Commissioner of Inland Fisheries and Wildlife and the Director of the Division of Probation and Parole, and add the Associate Commissioner for Adult Services of the Department of Corrections and a member, to be appointed by the Governor, who represents a nongovernmental agency providing services to victims of domestic violence. These changes keep the number of policy board members at 13. Chapter 451 requires the policy board to report annually to both the joint standing committees of the Legislature having jurisdiction over criminal justice matters and judiciary matters. The report must provide information about:

1. The ability of the Judicial Department, the Department of Public Safety and the Department of Corrections to maintain, furnish and disseminate the specified information in an automated manner; and
2. A project plan that delineates the date upon which each category of information will be available in an automated fashion and the date upon which planned enhancements will be available.

Chapter 451 deletes the authority of the Bureau of Information Systems to employ personnel to carry out the MCJUSTIS purposes.

Chapter 451 carries out the interim recommendations of the MCJUSTIS Policy Board concerning the redrafting of criminal and civil violations pursuant to Resolve 1997, chapter 105. To accommodate a broader range of participation and review, the report that was due on January 1, 1999 is termed an "interim report," and a final report is due to the legislative committees on December 15, 1999.

Chapter 451 was enacted as an emergency measure effective June 9, 1999.

**LD 2173**

**An Act to Create the Maine Surrogacy Law**

**ONTP**

<u>Sponsor(s)</u> GERRY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 2173 proposed to establish procedures for surrogacy arrangements. It proposed to require medical and nonmedical evaluations of the parties, specify contract provisions and require approval of the contract by the Probate Court.

**LD 2178**

**An Act to Amend the Act to Implement the Maine Indian Claims Settlement Concerning the Houlton Band of Maliseet Indians**

**CARRIED OVER**

<u>Sponsor(s)</u> SHERMAN	<u>Committee Report</u>	<u>Amendments Adopted</u>
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LD 2178 is a concept draft pursuant to Joint Rule 208. The bill proposes to amend the Act to Implement the Maine Indian Claims Settlement to give the Houlton Band of Maliseet Indians the same municipal status as the Passamaquoddy Tribe and the Penobscot Indian Nation under that Act.

This bill has been carried over to the Second Regular Session.

**LD 2213**

**An Act to Create and Regulate the Profession of Legal Document Technician**

**CARRIED OVER**

Sponsor(s)  
STEDMAN

Committee Report

Amendments Adopted

LD 2213 proposes to regulate the profession of legal document technician. As proposed, a legal document technician is a person who, for compensation, provides a legal form to a client or fills in, files or serves a legal form pursuant to a specific request by a client. Under this bill, a legal document technician may not provide advice, explanation, opinion or recommendation to a client concerning legal rights, remedies, defenses, options, strategies or selection of forms or any other service that the legal document technician is not specifically authorized to provide. In addition to specifying the types of services that legal document technicians may provide, the bill proposes penalties for legal document technicians who provide unauthorized services.

This bill has been carried over to the Second Regular Session.

**LD 2226**

**An Act Relating to Remedies for Unlawful Housing Discrimination**

**CARRIED OVER**

Sponsor(s)  
SAXL M

Committee Report

Amendments Adopted

LD 2226 proposes to amend the Maine Human Rights Act by removing limitations on attorney's fees and damages for civil actions based upon discrimination in housing to make the state law substantially equivalent to the federal Fair Housing Act.

This bill has been carried over to the Second Regular Session.

**LD 2239**

**An Act to Ensure Civil Rights and Prevent Discrimination**

**CARRIED OVER**

Sponsor(s)  
ABROMSON  
SAXL M

Committee Report

Amendments Adopted

LD 2239 proposes that all citizens, regardless of their sexual orientation, have the same civil rights protections now guaranteed in employment, housing, public accommodations and credit to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. The bill proposes that a religious organization that does not receive public funds is exempt from the prohibition against discrimination based on sexual orientation. The bill also proposes that this change in law be submitted to the voters at the next general election.

This bill has been carried over to the Second Regular Session.

**LD 2245**

**An Act to Adopt the Model Revised Article 9 Secured Transactions**

**CARRIED OVER**

Sponsor(s)  
THOMPSON  
LONGLEY

Committee Report

Amendments Adopted

LD 2245 proposes to enact changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 9, on secured transactions. This bill was submitted on behalf of the Secretary of State.

This bill has been carried over to the Second Regular Session.

**LD 2252**

**An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 510  
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

LD 2252 proposed to correct additional errors and inconsistencies, most of which were created during the First Regular Session of the 119th Legislature. (This bill was enacted without reference to committee.)

*Enacted law summary*

Public Law 1999, chapter 510 corrects additional errors and inconsistencies.

Chapter 510 was enacted as an emergency measure effective June 11, 1999.

**LD 2255**

**An Act to Make Corrections to Laws Recently Enacted by the 119th Legislature**

**PUBLIC 531  
EMERGENCY**

Sponsor(s)  
MARTIN

Committee Report

Amendments Adopted

H-769  
S-468  
S-469

LD 2255 proposed to make corrections to errors in recently enacted law. (This bill was enacted without reference to committee.)

**Senate Amendment "A" (S-468)** proposed to correct conflicts created by several public law chapters amending the drug statutes in the Maine Criminal Code.

**Senate Amendment "B" (S-469)** proposed to correct a conflict created by two public law chapters amending the juvenile detention laws.

**Senate Amendment "C" (S-470)** proposed to add the substance of L.D. 1878, "An Act to Make More Uniform the Training of Firefighters," which was vetoed by the Governor, and provides for the repeal of the Maine Fire Training and Education Program on June 30, 2001. (Not adopted)

**House Amendment "A" (H-769)** proposed to add an effective date concerning changes in automobile insurance coverage.

***Enacted law summary***

Public Law 1999, c. 531 makes the following corrections to errors and conflicts in laws enacted in the First Regular Session of the 119th Legislature.

1. It removes from Public Law 1999, chapter 504, a modification of the definition of "facility owner" for applicants to the Fund Insurance Review Board.
2. It adds an appropriation section to Resolve 1999, chapter 74 to provide funds for the per diem and expenses of legislative members and the expenses of other members of the Task Force to Study the Effect of Government Regulation on Small Businesses.
3. It provides that Public Law 1999, chapter 460, which increased the damages cap of the Maine Tort Claims Act, applies to a claim or cause of action based on an act or omission occurring on or after the effective date of that public law.
4. It amends the eligibility requirements for burial in the Veterans' Memorial Cemetery.
5. It removes the chiefs of police as members of the study commission to review traffic congestion along the Route 1 York Corridor and Route 236 to correctly reflect Senate Amendment "A" to Committee Amendment "A" to S.P. 571, L.D. 1638, which was adopted by both Houses of the Legislature.
6. It clarifies the effective dates of Part KKK of Public Law 1999, chapter 401, concerning prescription drugs for the elderly programs.
7. It removes from Public Law 1999, chapter 513 that portion of the legislation that authorized the Finance Authority of Maine to issue up to \$35,000,000 in bonds, backed by the State of Maine, to finance the construction of transmission lines to connect northern Maine's utilities with the transmission grid of the United States. This Part also resolves a conflict created by Public Law 1999, chapter 484, which amended the same provision of law.
8. It amends Public Law 1999, chapter 505, Part A, section 7 to clarify that direct payments from the Wells Waste Oil Clean-up Fund are not based on financial need and will only be available to Maine residents or corporations.
9. It corrects conflicts created by several public laws amending the aggravated trafficking or furnishing law in the Maine Criminal Code.
10. It corrects a conflict in the Maine Juvenile Code concerning the detention of juveniles.
11. It specifies that the uninsured or underinsured vehicle coverage required by Public Law 1999, chapter 271 applies to personal automobile insurance policies issued or renewed in this State on or after July 1, 2000.

Chapter 531 was enacted as an emergency measure effective June 23, 1999.

**SP 767**

**Joint Order - Relative to the Joint Select Committee to Review the Maine Tort Claims Act**

**ONTP**

Sponsor(s)  
LONGLLEY  
THOMPSON

Committee Report  
ONTP

Amendments Adopted

SP 767, a joint order, proposed to establish the Joint Select Committee to Review the Maine Tort Claims Act to review the limitation on damages and the experience of the Legislature in acting upon claims submitted to the Legislature pursuant to 14 MRSA §8105, sub-§3. See also LD 1577.

**HP 1487**

**Joint Order - Relative to the Task Force to Develop a Plan to Implement a Pilot Program for a Public Defender’s Office**

**ONTP**

Sponsor(s)  
SKOGLUND  
ABROMSON

Committee Report  
ONTP

Amendments Adopted

HP 1487, a joint order, proposed to establish a task force to develop a plan to implement a pilot project for a public defender’s office for Cumberland County.

**HP 1524**

**Joint Order - Relative to the Committee to Address the Recognition of the Tribal Government Representatives of Maine’s Native Sovereign Nations in the Legislature**

**PASSED**

Sponsor(s)  
BROOKS  
CATHCART

Committee Report

Amendments Adopted  
S-271

HP 1524, a joint order, proposed to establish the Committee to Address the Recognition of the Tribal Government Representatives of Maine’s Native Sovereign Nations in the Legislature. (This joint order was passed without reference to a committee.)

**Senate Amendment “A” (S-271)** proposed to establish a House Subcommittee and a Senate Subcommittee of the Committee, which are to report recommended changes in chamber rules to the Presiding Officers.

***Passed joint order summary***

Joint Order, HP 1524 establishes the Committee to Address the Recognition of the Tribal Government Representatives of Maine’s Native Sovereign Nations in the Legislature to examine the issues of voting rights, sponsorship of legislation and other relevant issues under the Constitution of Maine, Maine law and the Joint Rules of the Legislature. The order also establishes subcommittees of the House and Senate to examine the impact of chamber rules on those issues. All reports are to be submitted by December 1, 1999.