

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**AUGUST 1991**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees and Joint Select Committees of the Maine Legislature. The volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

Committee Amendment "A" (H-170) replaces the bill. It allows any physician, podiatrist or dentist to rely upon a reasonable representation by the person giving consent for the patient that that person is authorized to give consent, unless the physician, podiatrist or dentist has information to the contrary.

House Amendment "A" to Committee Amendment "A" (H-264) adds "health care provider" to who may rely on a reasonable representation that the person is authorized to give consent.

**LD 99      An Act to Amend the Penalties for Habitual Offenders and  
Operating After Suspension**

**PUBLIC 293**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RICHARDS HASTINGS CONLEY O'DEA	OTP-AM	H-279

**SUMMARY**

This bill makes major changes in the Operating After Suspension and the Habitual Offender laws.

First, the crime of operating after suspension is made a Class E crime. The Legislature amended this section of the law twice last year, once to cover "parking areas" and once to reduce the crime to a Class E crime, but with the possibility of a higher fine. This amendment to the Maine Revised Statutes, Title 29, section 2184, subsection 4, retains the parking lot coverage, and makes operating after suspension a Class E crime with no allowance for a larger fine.

Second, the bill reduces the crime of operating while an habitual offender from a Class C crime to a Class D crime. Starting with the third violation, however, operating while an habitual offender is a Class C crime.

Committee Amendment "A" (H-279) provides general definition of prior convictions within a specific time period; requires that the Secretary of State's notice that a person's license is suspended or revoked state that a reinstatement fee must be paid before the person may legally drive again, and revises the penalties for operating after revocation for habitual offenders. First offense of operating after revocation without any prior OUI convictions is a Class D crime; all second offenses and all first offenses with a prior OUI are Class C crimes.

**LD 100      An Act to Eliminate the Requirement of Mediation in Certain  
Domestic Cases**

**PUBLIC 75**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RICHARDS ANTHONY HASTINGS CONLEY	OTP	

**SUMMARY**

The bill permits the court to waive the requirement of mediation in cases in which the remaining issues are purely legal.