

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:

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

LD 1550 An Act to Amend the Maine Indian Claims Settlement Laws to Clarify Land Use in Indian Territory

CARRIED OVER

SPONSOR(S)
CASHMAN
PEARSON

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill would provide for greater flexibility in land use management by the Penobscot Nation than is currently provided for under state law by reducing the jurisdiction of the Land Use Regulation Commission over Penobscot Indian territory. The bill would also provide a mechanism addressing remedial solutions by the State and the Penobscot Nation. The bill would further provide a mechanism for allowing the State certain review powers over Penobscot Indian territory. This review power is similar to that which is provided for hunting and trapping under the terms of the Act to Implement the Maine Indian Claims Settlement.

LD 1583 An Act to Create a Preliminary Injunction for Certain Domestic Relations Cases

PUBLIC 482

SPONSOR(S)
CONLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-265

SUMMARY

Under the bill, parties to a divorce are enjoined from dissipating assets, removing children from the State and harassing the other litigant. The injunction is effective until a hearing establishes the divorcing parties' financial obligations and parental rights and responsibilities.

The injunction set up in this bill is effective against the plaintiff upon filing of the complaint and effective against the defendant upon service of the complaint. The bill is designed to provide an immediate preliminary court order that is needed for law enforcement officials to enforce state and federal parental kidnapping laws. It is not intended, however, to be used against a victim of domestic violence who needs to flee the State for protection. Most importantly, this bill is designed to reduce emotional liability resulting in conduct financially and psychologically detrimental to children of divorce.

Committee Amendment "A" (S-265) replaces the bill. It eliminates the restrictions on removing children from the State, refers only to voluntary removal of the spouse or children from insurance coverage and makes other clarifications to the bill.

LD 1584 An Act Concerning Motor Vehicle Registrations after Suspension of the Right to Operate a Motor Vehicle

PUBLIC 436

SPONSOR(S)
CONLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-262

SUMMARY

The bill repeals the recently enacted provision of the laws that requires a court to suspend a defendant's motor vehicle registration in cases where the defendant is convicted of operating a motor vehicle after suspension of a driver's license.

Committee Amendment "A" (S-262) replaces the bill. It eliminates the requirement that the court suspend the right to register a vehicle of first-time OUI offenders. It retains the requirement for second offenders.