

# 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.

**LD 1881 An Act Concerning Limitations on Actions for Penalties**

**CARRIED OVER**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CLARK N		
GAUVREAU		
STEVENS P		

**SUMMARY**

The bill would repeal 14 MRSA §858, which covers a now uncommon situation, where a citizen could act as a private prosecutor and obtain all or a portion of a forfeiture or penalty. If a person authorized to bring such a suit failed to act, the State could then intercede if it wished and bring suit within 2 years. Violators of various regulatory provisions are now attempting to utilize the law to bar the State from prosecuting violations that occurred more than 2 years prior to the lawsuit filing, although private prosecution is not allowed. The bill would prevent this argument in the future.

**LD 1905 An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings**

**CARRIED OVER**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PARADIS P		
CLARK N		
GOULD R R		

**SUMMARY**

The bill would require court reporters to be present in 4 circumstances:

1. All criminal proceedings;
2. All civil proceedings before a jury;
3. All civil proceedings without a jury but in which a party requests a Court Reporter and notifies the court that a reporter is required at least 48 hours before the proceeding; and
4. All civil proceedings without a jury in which the court determines that there is good cause for the reporter to be present.

**LD 1926 An Act to Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 377  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
GAUVREAU	OTP-AM	H-635 PARADIS P
PARADIS P		S-328

**SUMMARY**

The bill corrects errors and inconsistencies in Maine laws.

Committee Amendment "A" (S-328) strikes out two sections that were already corrected in other bills.

House Amendment "A" (H-635) strikes out three sections that were already corrected in another bill.