

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 1881 An Act Concerning Limitations on Actions for Penalties

CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU PARADIS P	OTP-AM	H-635 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.