

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

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general law that covers confidentiality of law enforcement records and reports. The bill repeals the law that is specific to the State Police and brings its reports and records under the general law.

Committee Amendment "A" (H-618) corrects a technical conflict created by two public law chapters amending the same law last year.

LD 246

An Act to Prevent Discrimination

VETO SUSTAINED

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
CONLEY	OTP-AM	MAJ	S-57
AMERO	ONTP	MIN	

SUMMARY

The bill would have extended to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit would have been prohibited.

Committee Amendment "A" (S-57) added a fiscal note.

Senate Amendment "A" (S-60) would have exempted workplaces with fewer than 10 employees from the bill. Not adopted.

Senate Amendment "B" (S-61) would have provided that the protections provided by the bill do not extend to nongovernmental employers that are primarily engaged in serving minors. Not adopted.

Senate Amendment "C" (S-62) would have provided that those portions of the bill relating to the use of public accommodations are limited to discrimination against individuals and do not require that equal access to accommodations be provided to a group or organization. Not adopted.

Senate Amendment "D" (S-63) would have provided that policies or practices that have a disparate impact on persons of a particular sexual orientation are not prohibited as a result of the impact as opposed to intentional discrimination. Not adopted.

Senate Amendment "E" (S-64) would have provided that the prohibition against discrimination does not endorse behaviors or provide protection to behaviors as opposed to a status or tendency. Not adopted.

Senate Amendment "F" (S-65) would have clarified that the definition of sexual orientation that underlies the prohibition against discrimination does not include conduct or behavior. Not adopted.

Senate Amendment "G" (S-66) would have sent the following question to referendum: "Do you favor amending the Maine Human Rights Act to provide a protected class for sexual orientation?" Not adopted.

Senate Amendment "H" (S-77) would have sent the following question to referendum: "Do you favor enactment of 'An Act to Prevent Discrimination'?" Not adopted.

House Amendment "A" (H-147) is the same as Senate Amendment "G". Not adopted.

House Amendment "B" (H-149) would have prohibited discrimination against obese persons or persons who are physically unattractive. Not adopted.

House Amendment "C" (H-151) would have required that a person declare his or her sexual orientation either upon application for a driver's license or upon registration to vote in order to be eligible for relief under the Human Rights Act. The declaration must have been made at least 1 year before the initiation of a complaint under the Act.

House Amendment "D" (H-152) is the same as Senate Amendment "A". Not adopted.

House Amendment "E" (H-153) is the same as Senate Amendment "B". Not adopted.

House Amendment "F" (H-159) would have provided that the protections under the bill do not apply to nongovernmental entities that provide recreational or civic services to minors, such as the Boy Scouts of America. Not adopted.

House Amendment "G" (H-160) is the same as Senate Amendment "B". Not adopted.

House Amendment "H" (H-161) would have provided that the protections afforded by the bill do not extend to nongovernmental employers of household employees. Not adopted.

House Amendment "I" (H-162) would have provided that the protections afforded by the bill do not extend to an owner of a housing accommodation, one unit of which is occupied by the owner. Not adopted.

LD 260 An Act to Require the Use of Standardized Evidence Kits PUBLIC 27
for Cases of Gross Sexual Assault

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PLOWMAN SUMMERS	OTP-AM	H-50

SUMMARY

The bill requires the use of a standardized kit for evidence collection in cases of gross sexual assault.

Committee Amendment "A" (H-50) adds a fiscal note.

LD 261 An Act Protecting the Assets of Persons Accused of ONTP
Crimes as Needed to Hire Legal Counsel

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOLT CAREY	ONTP	

SUMMARY

The bill would have protected legitimately acquired assets of persons accused of crimes from civil proceedings that might prevent an accused person from using assets needed to secure legal counsel for a criminal defense.