

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1994

Staff:

*Margaret J. Reinsch, Legislative Analyst
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. Gerard P. Conley, Jr.
Sen. Georgette B. Berube
Sen. Dana C. Hanley*

**Rep. Constance D. Cote
Rep. Susan Farnsworth
Rep. Mary R. Cathcart
Rep. Andrew Ketterer
Rep. Edward L. Caron, Jr.
Rep. Sean F. Faircloth
Rep. Jane W. Saxl
Rep. David N. Ott
Rep. Sumner H. Lipman
Rep. Debra D. Plowman*

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER
JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

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

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 450 An Act to Expand Protection to Persons with Mental Illness and Mental Retardation

PUBLIC 687

SPONSOR(S)
GEAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-934

SUMMARY

The bill prohibits sexual contact between persons who provide services to persons with mental illness and mental retardation and the people who are recipients of those services.

The bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (H-934) replaces the bill, but carries out the original intent to protect persons with mental retardation or mental illness from being taken advantage of sexually. The crime of gross sexual assault is expanded to cover situations in which the owner, operator or employee of a provider of services to persons with mental retardation engages in a sexual act with one of the recipients of the services. This type of gross sexual assault is a Class C crime. The crime of unlawful sexual contact is expanded to the same extent. This form of unlawful sexual contact is a Class D crime.

The amendment enacts sections to affirmatively state the State's policy that a provider of services to persons with mental retardation or mental illness is prohibited from engaging in a sexual act with another person who is a person with mental retardation or mental illness, or subjecting a person with mental retardation or mental illness to sexual contact.

LD 600 An Act to Authorize the Experimental Use of Video Telecommunication for Arraignment

ONTP

SPONSOR(S)
BRENNAN

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have permitted arraignment by video communication for persons held in custody for Class A, B and C crimes.

The bill was carried over from the First Regular Session to allow the Supreme Judicial Court to determine if rules or procedures would be appropriate rather than statutory changes.

LD 763 An Act to Provide a Remedy for a Violation of the Lead Poisoning Control Act

ONTP

SPONSOR(S)
CONLEY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have made a violation of the Lead Poisoning Control Act prima facie evidence of an unfair trade practice in a court action that is limited to seeking equitable relief.

The bill was carried over from the First Regular Session.