

# 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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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.

4693NRG

**LD 725 An Act Regarding the Use of Alternate Jurors**

ONTP

**SPONSOR(S)**  
CONLEY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have amended current law by removing language that prohibits the seating of an alternate juror once the jury has retired to consider its verdict, thereby permitting the Supreme Judicial Court to adopt a rule governing the procedure for seating an alternate juror under such circumstances.

**LD 728 An Act to Make Provisions of the Maine Human Rights Act Consistent with Federal Law**

**PUBLIC 303  
EMERGENCY**

**SPONSOR(S)**  
CONLEY

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-195

**SUMMARY**

The bill makes the following changes to the Maine Human Rights Act.

1. The bill makes clear that retaliation, interference, coercion and intimidation against an individual by any person because that individual engaged in activities related to rights protected by the Maine Human Rights Act, is a violation of the Act. The bill is intended to make the Act consistent with the federal Americans with Disabilities Act of 1990 and the federal Fair Housing Act.
2. The bill eliminates the requirement that the Maine Human Rights Commission apply to the Superior Court every time it needs to subpoena a document or a person as it conducts its investigations pursuant to the Maine Human Rights Act.
3. The bill acknowledges the fact that the Maine Human Rights Commission must exercise prosecutorial discretion in determining the cases in which conciliation has failed that are appropriate for litigation in Superior Court by the commission.
4. The bill makes the remedies available in proven cases of unlawful discrimination under the Maine Human Rights Act the same as those now available under the federal Civil Rights Act of 1991 and the Americans with Disabilities Act of 1990.

Committee Amendment "A" (S-195) adds a requirement that notice of a subpoena by the Maine Human Rights Commission be given to the person who is alleged to have engaged in unlawful discrimination. It strikes provisions authorizing a jury trial and making remedies the same as under the federal Civil Rights Act of 1991 and the Americans with Disabilities Act of 1990. The amendment also adds an emergency preamble, emergency clause and fiscal note to the bill.

**LD 752 An Act to Allow Courts to Allocate between Divorced Parents the Costs of Postsecondary Education**

ONTP

**SPONSOR(S)**  
FARNSWORTH

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have allowed the continuance of support decrees for children enrolled in full-time postsecondary education programs for up to 4 years following high school graduation, as long as they remain full-time students.