

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.

4693NRG

3. It repeals the 6-month warning period that followed the effective date of the enactment of the statute requiring the use of seat belts for persons at least 4 years of age but less than 19 years of age.
4. It changes the designation of the following offenses from a "civil violation," to a "traffic infraction":
 - A. The offense committed by a person drinking while driving;
 - B. The offense committed by the operation of a motor vehicle in which a child is not in a safety seat;
 - C. The offense committed by the operation of a motor vehicle in which a person at least 4 years of age but less than 19 years of age does not wear a seat belt;
 - D. The offense committed by a person less than 15 years of age who fails to wear protective headgear while riding on a motor cycle;
 - E. The offense committed by the registered owner of a motor vehicle that passes a stopped school bus; and
 - F. The offense committed by a person who abandons a motor vehicle on a public highway.

The bill also deletes the reference to fixed penalties for the violations listed above because the Title 29, section 2303, subsection 1, defines the minimum and maximum monetary penalties for a traffic infraction. The limitations in the present law may be interpreted as preventing the court from imposing a license suspension in addition to a fine as permitted under Title 29, section 2305.

Committee Amendment "A" (S-131) eliminates a technical defense that has been used in some cases when a defendant has been charged with operating after suspension. The amendment clarifies the intention of the Legislature to suspend a person's driver's license when the person does not respond to a summons for a traffic infraction.

LD 1069

An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights

PUBLIC 442

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	OTP-AM	H-395 COTE S-136
COTE		

SUMMARY

The bill makes 3 changes to the civil rights laws. First, the bill provides that intentional interference with rights through damage or destruction to, tampering with or trespassing on property violates the law. Second, the bill provides for civil penalties for violations of the Maine Revised Statutes, Title 5, section 4681. Third, the bill provides that a violation of an order or injunction issued under the law constitutes a crime.

Committee Amendment "A" (S-136) removes the provisions of the bill that made a violation of an order or injunction under the civil rights laws a Class C crime if the violation resulted in bodily injury.

House Amendment "A" (H-395) changes the method of service of an order or injunction and clarifies that the law protects against violence against persons as well as property damage.

LD 1076 An Act to Amend the Laws Governing Adverse Possession of Real Estate PUBLIC 244

SPONSOR(S) OTT	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-314
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SUMMARY

The bill adopts the position now held by a majority of jurisdictions that, if the occupancy of land beyond a true boundary line is actual, open, notorious and continuous, it is hostile and adverse even though the original occupancy took place due to ignorance, inadvertence or mistake, without the intention to claim lands of another.

Committee Amendment "A" (H-314) adds an application section.

LD 1079 An Act to Increase the Fee for Taking Fingerprints and Palm Prints of Citizens upon Request PUBLIC 235

SPONSOR(S) COTE	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-315
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SUMMARY

The bill increases the fee for fingerprinting and palm printing services by a law enforcement agency at the request of a citizen from \$1 to \$3.

Committee Amendment "A" (H-315) adds a fiscal note.

LD 1080 An Act to Clarify Mandatory Accessible Waiver Authority ONTP

SPONSOR(S) COTE CONLEY	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

Current law governing hearings for waivers or variances for required accessibility under the Maine Human Rights Act requires that there be a decision of the Maine Human Rights Commission on these waivers. The bill would have clarified the language so that a designated representative of the commission is responsible for the decision.

See LD 862.