

# 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

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
LEGAL AFFAIRS

JULY 1993

**Staff:**  
*Marion Hylan Barr, Legislative Analyst*

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

**MEMBERS:**

*\*Sen. Richard J. Carey  
Sen. James R. Handy  
Sen. Stephen E. Hall*

*\*Rep. Beverly C. Daggett  
Rep. William Lemke  
Rep. John M. Michael  
Rep. James S. Bowers  
Rep. Albert P. Gamache  
Rep. Albert G. Stevens  
Rep. Richard A. Bennett  
Rep. Lawrence F. Nash  
Rep. Julie-Marie Robichaud  
Rep. Harry G. True*

*\*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  
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

extended the same courtesy to Maine permit holders, utilized statutory requirements for the issuance of its own permits to carry concealed firearms that are at least as stringent as those Maine uses and ensured that an adequate investigation process was in place and being utilized by the issuing agency.

5. Added a fiscal note to the bill.

**LD 1198      An Act to Amend the Laws Governing Elections and Nominations by Political Parties      CARRIED OVER**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
ROWE

**SUMMARY**

This bill would allow for multiparty endorsement and nomination of candidates.

**LD 1201      An Act to Treat Minors Equitably under the Operating-under-the-influence Laws      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
CARR                                      ONTP

**SUMMARY**

Under current law, the Secretary of State shall suspend the driver's license of a person that has not attained 21 years of age if that person has operated or attempted to operate a motor vehicle while having a blood-alcohol level of 0.02% or more. This bill would have repealed that law and eliminated the lower blood-alcohol level test applicable to minors. Under this bill, minors would have been subject to the same 0.08% blood-alcohol level test as adults.

**LD 1202      An Act Concerning the Tallying and Challenging of Absentee Votes      ONTP**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
LIPMAN                                      ONTP

**SUMMARY**

This bill would have allowed a candidate or the candidate's representative to review absentee ballots after 2:00 p.m. on election day. It also would have given the candidate or the candidate's representative one hour after the polls close to inspect absentee ballots. The bill also would have required regular ballots to be counted before absentee ballots are counted and would have directed the wardens to deposit the absentee ballots after the close of the polls, instead of before.

**LD 1203      An Act to Regulate the Use of Aircraft for Surveillance Purposes by Law Enforcement Agencies      DIED BETWEEN BODIES**

**SPONSOR(S)**                      **COMMITTEE REPORT**                      **AMENDMENTS ADOPTED**  
TOWNSEND G                      ONTP                      MAJ  
    OTP-AM                      MIN

**SUMMARY**

This bill sought to minimize the potential invasiveness of aircraft surveillance by providing that only

those locations specified in the Maine Revised Statutes, Title 25, section 2959, subsection 1 as enacted in this bill could be visually inspected from the air. The bill was designed to ensure that agents or law enforcement officers focus on approved inspection locations while providing for those infrequent occasions when agents or law enforcement officers unexpectedly observe marijuana at other than approved inspection locations.

This bill would have specifically limited the altitude of the aircrafts involved in the operation. The exceptions to these limitations reflect the fact that agents and law enforcement officers generally eradicate marijuana through the use of ground personnel but occasions do arise in which remote marijuana sites are eradicated and there appears no reasonable possibility of identifying the persons responsible. The term "open field" in this bill had the same meaning as in Oliver v. United States, 466 United States 170 (1984).

The bill would have prohibited officers engaged in a marijuana eradication program from appearing as if they were engaged in a military operation.

The bill would have made it clear that any violation of the limitations enacted in this bill by any state, county or local law enforcement officer or any member of the Air National Guard would not result in the elimination of evidence at trial. Any violation of these limitations or complaints about a marijuana eradication program would have to be reported to a designated individual of the Maine Drug Enforcement Agency who would promptly investigate the complaint.

Committee Amendment "A" (H-425), part of the minority committee report, would have changed the language of the original bill by permitting rotary blade aircraft to fly below 400 feet only pursuant to a search warrant, unless the aircraft was taking off at the start of its mission, landing at the end of its mission, refueling or seeking maintenance during its mission or in exigent circumstances.

The amendment would have removed the requirement that the Maine Drug Enforcement Agency investigate every complaint about the marijuana eradication program, but if the agency were not the initial investigator, it would have had to review the findings of any state, county or local law enforcement agency investigation.

The amendment would have deleted language that would have prohibited law enforcement officers from wearing their uniforms during marijuana eradication, changed language to allow officers to possess only agency-issued firearms and deleted language so that officers could defend themselves when confronted with the imminent use of deadly force.

**LD 1213 An Act Concerning Limits on Security Deposits**

**DIED BETWEEN BODIES**

**SPONSOR(S)**  
STEVENS K

**COMMITTEE REPORT**  
ONTP MAJ  
OTP MIN

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have specified that an advance rent payment is part of the tenant's security deposit, since it is held to secure performance of the rental agreement. The collection of advance rent would have been limited by the current law, which limits a security deposit to 2 months' rent. Under this bill, advance rent would not have included rent collected for the next upcoming rental period, such as rent collected on the last day of a month to pay for the upcoming month. For the purposes of this definition, a "rental period" would not have exceeded one month.