

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

LD 1305 An Act Regarding Sentences for Career Criminals

ONTP

SPONSOR(S)

DIPIETRO

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have required enhancement of sentencing limits for persons convicted of murder or a Class A, B or C crime if the person has 2 prior convictions of murder or a Class A, B or C crime within 10 years of the instant crime.

LD 1322 Resolve, to Establish the Commission on the Status of Alleged Child Abusers

CONF CMTE UNABLE TO AGREE

SPONSOR(S)

MELENDY
BUSTIN

COMMITTEE REPORT

OTP-AM MAJ
ONTP MIN

AMENDMENTS ADOPTED

SUMMARY

The resolve would have established the Commission on the Status of Alleged Child Abusers.

Rereferred to Joint Standing Committee on Audit and Program Review.

LD 1329 An Act to Deter Deliberate Polluters

ONTP

SPONSOR(S)

LAWRENCE
MARSH

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill would have clarified the existing criminal provisions of the environmental laws and facilitated the enforcement of those provisions by the State. The bill would have amended the Maine Revised Statutes, Title 38, section 349, subsection 1, by expressly stating the culpable mental state required for proof of an environmental crime. The bill would have raised the class of crime for certain violations of the environmental laws from a Class E crime to a Class C crime. It also would have raised to a Class C crime 2 hazardous waste crimes currently classified as Class D crimes. The bill would have created a new provision intended to deter oil spills such as that which occurred from the Exxon Valdez in Alaska in 1989. Specifically, the bill would have made it a felony to "recklessly" cause a major oil spill, in excess of 100,000 gallons, in Maine waters without a license or permit. This crime would have been classified under the bill as a Class C crime.

The bill would have ensured that even an intentional and knowing violation of a "technical" air or water permit provision will not result in a felony prosecution. Rather, the State would have to prove that any violation of air and water pollution standards is "significant," which is defined as capable of increasing the discharge of pollutants or emission of air contaminants. It would have limited felony prosecution of solid waste violations to the disposal of significant quantities of solid waste, in excess of 500 pounds or 100 cubic feet.

The bill also would have increased the classification of the crime of falsifying environmental records to a felony under certain circumstances. The criminal penalties under this bill would not apply in a situation where a person, acting in good faith, promptly reports the results of an audit or test and

promptly acts to correct any noncompliance. Accordingly, the bill would have provided an affirmative defense to a knowing violation of the air and water pollution laws for those persons who promptly notify the department of the violation and take steps to remedy it.

LD 1331 An Act Regarding Trafficking of Drugs in Homes ONTP
in Which Children Live

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| BERUBE | ONTP | |

SUMMARY

The bill would have made trafficking in scheduled drugs aggravated trafficking or furnishing scheduled drugs if, at the time of the offense, the actor is in or on the premises of a dwelling in which a minor resides. The aggravated offense is a crime that is one class more serious than the trafficking would otherwise be.

LD 1334 An Act to Amend the Maine Civil Rights Act Regarding PUBLIC 379
Violations of Constitutional Rights

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|----------------------------|
| LAWRENCE | OTP-AM | S-218 S-264 LAWRENCE |

SUMMARY

The bill establishes a right of a person to be free of violence or property damage motivated by bias for purposes of the Maine Civil Rights Act and the Maine Revised Statutes, Title 17, section 2931.

Committee Amendment "A" (S-218) adds a fiscal note.

Senate Amendment "A" (S-264) includes the factor of physical or mental disability that is included in the Maine Human Rights Act, but was omitted in the original bill.

LD 1337 An Act to Clarify Child Support Laws PUBLIC 357
EMERGENCY

| SPONSOR(S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------------|-------------------------|---------------------------|
| COTE | OTP-AM | H-510 |

SUMMARY

The bill clarifies the procedures of the expedited paternity action and improves the notice received by alleged fathers when the State is requesting a default judgment because the father has refused to respond to the State's efforts to determine paternity. The bill also gives the court discretion in a paternity action to make an initial allocation of parental rights and responsibilities.

Committee Amendment "A" (H-510) rewrites the section of the bill allowing courts in paternity actions to award or allocate parental rights and responsibilities to make clear that the Department of Human Services and the Department of the Attorney General do not represent either party with regard to parental rights and responsibilities. The amendment deletes sections of the bill concerning notice to defaulting putative fathers and when defenses can be raised in paternity actions. The amendment clarifies the