

# 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.

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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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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

provisions concerning requests for and refusals to submit to blood testing to determine paternity. The amendment also adds a fiscal note to the bill.

**LD 1344      An Act to Correct Errors and Inconsistencies in the Laws of Maine**      PUBLIC 349  
EMERGENCY

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
CONLEY      OTP-AM      S-258

**SUMMARY**

The bill corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (S-258) corrects errors in the bill and adds new correcting sections.

**LD 1349      Resolve, Directing Release of Investigative Records Related to Ballot Tampering**      CONF CMTE UNABLE TO AGREE

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
BOWERS      OTP-AM      H-657

**SUMMARY**

The resolve would have directed the Attorney General to make available to the public all investigative records except for subpoenaed telephone records related to ballot tampering that occurred during the electoral recounts in House Districts 35 and 38 following the 1992 legislative elections.

Committee Amendment "A" (h-657) made a legislative finding that there is an exceptional and unique public interest in disclosure of the records related to ballot tampering that outweighs interests in confidentiality. It also added language to exempt from disclosure information that would result in an unwarranted invasion of personal privacy.

Senate Amendment "A" (S-336) removed the emergency preamble and emergency clause. Adopted in the Senate only.

**LD 1353      An Act Concerning the Calculation of Periods of Imprisonment**      ONTP

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
HOLT      ONTP  
PARADIS J

**SUMMARY**

The bill would have increased possible monthly deductions on sentences of persons incarcerated in the State from 10 to 15 days for observance of rules, from 3 to 5 days for participation in designated work and education programs and from 2 to 3 days for participation in minimum security community programs. The bill also would have clarified that in order to resolve the constitutional problems that defeated prospective application of these provisions to all inmates in 1983 legislation and to accomplish the bill's purposes of reduced overcrowding and increased equity and efficiency in prison operations, the Governor would be commuting sentences of current inmates to allow the provisions of this bill to apply to the portions of their sentences remaining to be served.