

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**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

MAY 1994

Staff:

***Margaret J. Reinsch, Legislative Analyst
Julie S. Jones, Principal Analyst***

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

MEMBERS:

****Sen. Gerard P. Conley, Jr.
Sen. Georgette B. Berube
Sen. Dana C. Hanley***

****Rep. Constance D. Cote
Rep. Susan Farnsworth
Rep. Mary R. Cathcart
Rep. Andrew Ketterer
Rep. Edward L. Caron, Jr.
Rep. Sean F. Faircloth
Rep. Jane W. Saxl
Rep. David N. Ott
Rep. Sumner H. Lipman
Rep. Debra D. Plowman***

****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
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 1713 An Act to Clarify Maine Corporate Laws

PUBLIC 616

SPONSOR(S)
CONLEY**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
S-499**SUMMARY**

The bill provides the Secretary of State with the discretion to refuse to file corporate names that are obscene, inappropriate or misleading and sets a maximum fee for reinstatement of business corporations after suspension. The bill also simplifies the fee structure for lien searches.

COMMITTEE AMENDMENT "A" (S-499) adds a fiscal note to the bill, and conforms existing law to current drafting standards.

LD 1718 An Act to Protect Maine Children from Child Pornography Contraband

PUBLIC 727

SPONSOR(S)
FAIRCLOTH
ESTY**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
H-935**SUMMARY**

The bill extended the prohibition on sexually exploiting minors to the possession of materials depicting children under the age of 14 engaging in sexually explicit conduct. The bill declared sexually explicit materials depicting persons under the age of 14 to be contraband and provided that the materials can be seized by the State.

COMMITTEE AMENDMENT "A" (H-935) replaces the original bill. It adds a definition of "sexually explicit conduct" to cover possession of materials. It differs from the general definition in the Maine Revised Statutes, Title 17, section 2921 by limiting the part of the definition relating to "lewd" exhibitions to include only unclothed genitals, anus or pubic areas. The definition also looks to the intended response in the viewer. The amendment makes several changes to clarify and strengthen the bill.

First, the offense itself is amended in 2 ways.

1. The person in possession of the sexually explicit material must know or should have known what the material contains.
2. The person in possession must know or have reason to know that the person depicted in the materials is under 14 years of age. In the alternative, it is sufficient for the prosecution to prove that the person depicted was in fact under 14 years of age at the time of production of the depiction.

Second, specific language is added to ensure that the age of the person depicted can be established without producing or identifying the person depicted.

Third, the Maine Revised Statutes, Title 17, section 2924, subsection 6, as enacted in this amendment declares these materials contraband to allow the seizure of the materials even when a conviction does not occur.

The amendment also repeals the mandatory minimum penalties for dissemination of sexually explicit material.