

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

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BILL SUMMARIES
MAY 1986

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, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD 1696 AN ACT TO ALLOW JUSTICES OF THE SUPERIOR COURT TO ACT ON REQUESTS FOR PRELIMINARY CHILD PROTECTION ORDERS PL 1985 c. 547

Sponsor: CARPENTER, Kane
Committee Report: OTP-AM

S-374 CA H S

SUMMARY: LD 1696 allows the Superior Court to act on requests for preliminary child protective orders. After a preliminary order, the Superior Court must transfer the case to the District Court.

LD 1717 AN ACT RELATING TO THE PASSAMAQUODDY INDIAN RESERVATION PL 1985 c. 747

Sponsor: VOSE
Committee Report: OTP

S-455 CARPENTER
S-500 PEARSON H S

SUMMARY: This bill permits the expansion of the Pleasant Point Passamaquoddy Reservation by inclusion of land within the Town of Perry. The Tribe must pay the town \$350,000 within 120 days of July 16, 1986. The town's voters must approve any new commercial development on the land involved.

LD 1717 also expands the Bottle Lake Complex land included within the land that may be designated Passamaquoddy Tribe trust land. The bill extends the time for trust land designation to April 1, 1988.

LD 1735 AN ACT RELATING TO SETTLEMENT NEGOTIATIONS AND INVESTIGATION OF FACTS BY THE MAINE HUMAN RIGHTS COMMISSION PL 1985 c. 585

Sponsor: PRIEST, Trafton, Carpenter, Dillenback
Committee Report: OTP-AM

H-548 CA H S

SUMMARY: LD 1735 makes allegations of a violation of the Maine Human Rights Act confidential until the investigation is concluded. The complaint and evidence collected during the investigation became public records upon the issuance of a dismissal letter or the publication of a commission meeting agenda listing the complaint.

The bill also makes it clear that evidence gathered during an investigation of a discrimination complaint may be used as evidence in any subsequent civil or criminal proceeding, unless the evidence comes within the exception regarding confidentiality of settlement negotiations.

LD AN ACT REGARDING CERTIFICATION RECORDS OF PL 1985
1770 MINORITY BUSINESS ENTERPRISES, WOMEN'S BUSINESS c. 587
ENTERPRISES AND DISADVANTAGED BUSINESS
ENTERPRISES TO BE CONFIDENTIAL

Sponsor: ALLEN, Priest, Mills, Warren
Committee Report: OTP

SUMMARY: Under federal law, state agencies are required to see that construction and construction-related firms which are owned and controlled by minorities, women and other disadvantaged groups have the opportunity to participate in federally-funded transportation projects. In certifying these firms as eligible, state agencies obtain from applicants certain records which are considered confidential business records. This bill prevents public disclosure of this information.

LD AN ACT TO PROVIDE IMMUNITY FROM CIVIL PL 1985
1785 LIABILITY FOR COURT MEDIATORS c. 562

Sponsor: CARPENTER
Committee Report: OTP-AM

S-380 CA H S

SUMMARY: LD 1785 provides court mediators with immunity from liability for negligent quasi-judicial, quasi-legislative, and discretionary acts committed within the scope of their duties as mediators. This immunity is similar to the immunity provided state employees under the Maine Tort Claims Act.

LD AN ACT CONCERNING MENTAL EXAMINATION OF PL 1985
1786 INCARCERATED PERSONS ACCUSED OF CRIME c. 630

Sponsor: TRAFTON, Warren
Committee Report: OTP-AM, ONTP

S-425 CA H S

SUMMARY: This bill provides that if a defendant is incarcerated, preliminary mental examinations to determine