

MAINE STATE LEGISLATURE

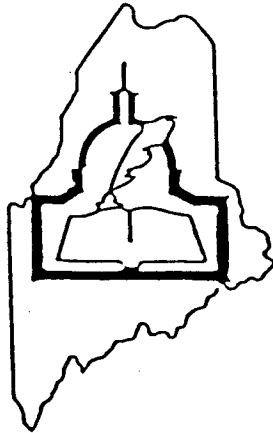
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
LEGAL AFFAIRS
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE
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JOINT STANDING COMMITTEE
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

Under Maine law, however, they have not been granted governmental status or exemptions from taxes which have been granted to the Passamaquoddy Tribe and the Penobscot Nation. Two sentences are removed by this bill which prohibit the Maliseets from owning or using any property for governmental purposes, and which state that the Maliseets shall not be deemed to be a governmental entity or have the powers of a municipality.

The Committee Amendment includes the Maliseet Indians in Title 3 to require the Maliseets to appoint a representative who can certify the band's approval of changes to the Maine Implementing Act. The Passamaquoddy Tribe and Penobscot Nation are already included in those sections.

The amendment also adds an effective date section. This Act will not become effective until 3 things happen. The United States Congress must approve the amendments made to the Maine law in 1981, as well as this Act. In addition, the Maliseets must also approve this Act within 60 days of adjournment.

LD AN ACT REGARDING THE INTEGRITY AND IMPARTIALITY LVWD
2012 OF UNDERCOVER POLICE ACTIVITY

Sponsor: BEAULIEU, Clark
Committee Report: LVWD

SUMMARY: This bill prohibits law enforcement officers from receiving payment from nonpublic funds for their undercover activity. It was intended to stop undercover agents from receiving payment for their law enforcement work and from the work they are doing as their "cover." The bill prohibits undercover agents from communicating to 3rd parties any information which does not establish a violation of the criminal law.

LD AN ACT TO CREATE THE MAINE LIQUOR LIABILITY PL 1985
2080 ACT (REPORTED PURSUANT TO A STUDY BY THE LEGAL c. 723
 AFFAIRS COMMITTEE)

Sponsor: LEGAL AFFAIRS
Committee Report: OTP-AM

H-635 CA H S
S-452 USHER

SUMMARY: Current law holds any server of alcohol liable for the damages caused by an intoxicated person if the server provided alcohol to that person illegally (such as if the person were visibly intoxicated or a minor). This "Dram Shop Law" was amended last session to remove joint and several liability and to require a 2-year notice period.

This bill repeals the current law and enacts a comprehensive law to deal with all aspects of liquor liability. It narrows the scope of the server's liability, reduces the notice period to 180 days and the statute of limitations to 2 years (from 6 years). Damages are limited to \$500,000 per occurrence.

The Committee Amendment changes the limitation on damages to \$250,000 for all damages except expenses for medical care and treatment. There is no limit on medical expenses. The amendment also adds a section dealing with approval of alcohol server education courses.

Senate Amendment "A" (S-452) exempts lost wages from the \$250,000 damage cap and changes the cap from a "per accident or occurrence" limit to a "per person" cap. (Not enacted)

LD AN ACT CONCERNING ACCESS TO VITAL RECORDS IN
2087 CASES OF ADOPTION

ND LD 2276

Sponsor: GILL, McPherson, Clark, N., Nicholson
Committee Report: OTP-ND

SUMMARY: See new draft, LD 2276.

LD AN ACT CONCERNING RELEASE OF AN ORIGINAL BIRTH
2088 CERTIFICATE IN CASES OF ADOPTION

LVWD

Sponsor: GILL, McPherson, Clark, N., Boutilier
Committee Report: LVWD

SUMMARY: This bill allows the release of copies of an original birth certificate after there has been a reunion between a birthparent named on the certificate and the adopted person. Currently, a court order is required.