

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
JUDICIARY  
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

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 summaries are arranged by LD number under each committee.

All Adopted 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 "COMMITTEE" if it is a committee amendment.

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

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Sponsor: (Reported Pursuant to Title 29, Section 2202  
Committee Report: New Draft of LD 375

SUMMARY: The original bill, LD 375, proposed to completely transfer authority over the adjudication of traffic offenses to the Office of Secretary of State. The bill was submitted by the Secretary of State's Office as required by PL 1985, c. 800. It called for the creation of a separate adjudicatory office within the Secretary of State's Office to decide contested traffic infraction cases and provided for an administrative system to handle the processing and collection of fines for both contested and non-contested infractions. The additional costs for these new offices was to be offset by an increase in the fines for traffic violations. Additionally, the bill amended current law to delay the effective date of the transfer of authority over traffic infractions from the District Court until 1989.

The New Draft, LD 1835, proposed to limit the transfer of adjudicative authority over traffic infractions. Under the new draft, the District Court would retain authority to hear and decide contested traffic infraction cases. All persons stopped for a traffic infraction would be issued a citation to be returned to the Secretary of State. The Secretary of State's Office would handle any admissions of violations administratively and would transfer all contested cases to the District Court for trial. Once in District Court, the case would be treated just as it is now handled under the present system. This bill also delayed implementation of the new system until 1989.

LD AN ACT TO CLARIFY THE FREEDOM OF ACCESS LAW  
1849

PL 1987  
c. 477

Sponsor: GAUVREAU, Paradis, P., Foster, Black  
Committee Report: New Draft of LD 1161

SUMMARY: The new draft amends the Freedom of Access Law to:

include boards, commissions, agencies, and authorities of regional political or administrative subdivisions in the definition of "public proceedings";

make it clear that discussions of a budget or budget proposal may not occur in executive session;

change the time an official has to place in writing his reason for denying a request to inspect public records from 10 days to 5 working days;

reduce the time period for appealing a denial of a request to inspect public records from 10 days to 5 working days; and

make a willful violation of the Freedom of Access Law a civil violation for which no more than \$500 may be forfeited, with the requirement that the governmental entity whose office or employee committed the violation must pay the forfeiture.

LD AN ACT TO AMEND THE UNIFORM COMMERCIAL CODE  
1860 REGARDING TRIBAL GOVERNMENT

PL 1987  
c. 449  
EMERGENCY

Sponsor: CASHMAN, Pearson  
Committee Report: NOT REFERRED TO COMMITTEE

SUMMARY: LD 1860 amends the Maine Uniform Commercial Code, Article 9, in order to allow the Maine Indian tribes to grant lenders a perfected security interest in personal property in the same manner as any other borrower. Existing law exempted transfers by a governmental entity from the operation of Article 9 of the Maine UCC; the bill simply allowed Article 9 to apply to Indian governments.

LD AN ACT TO REMOVE CERTAIN SUNSET PROVISION IN  
1874 THE JUDICIARY LAWS

PL 1987  
c. 518  
EMERGENCY

Sponsor: CARTER, Martin, J., Pray, Pearson  
Committee Report: NOT REFERRED TO COMMITTEE

SUMMARY: The bill repeals the sunset provision that would have removed from the statutes the courts' authority to assess fees for court mediation services.