

# STATE OF MAINE 113TH LEGISLATURE SECOND REGULAR SESSION



# BILL SUMMARY JOINT STANDING COMMITTEE ON LEGAL AFFAIRS

MAY 1988

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# ONE HUNDRED AND THIRTEENTH LEGISLATURE FIRST & SECOND SPECIAL SESSIONS SECOND REGULAR SESSION

## JOINT STANDING COMMITTEE BILL SUMMARIES MAY 1988

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 for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

| 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                |

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD Resolve, Authorizing Alton Dishon to Bring Civil Action 1829 Against the Maine State Retirement System

| SPONSOR (S) | COMMITTEE | REPORT | AMENDMENTS | ADOPTED |
|-------------|-----------|--------|------------|---------|
| PRAY        | ONTP      |        |            |         |
| MICHAUD     |           |        |            |         |

#### SUMMARY

This resolve was introduced so late in the First Regular Session that it was carried over for consideration in the Second Regular Session.

ONTP

This resolve would allow Alton Dishon to sue the Maine State Retirement System for up to \$50,000 for alleged misrepresentations on the part of agents of the system.

LD An Act to Strengthen Penalties for Persons Piloting Boats INDEF PP 1935 Under the Influence of Alcohol

| SPONSOR (S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------|------------------|--------------------|
| SIMPSON     | OTP-AM           | , č                |
| MURPHY E    |                  |                    |
| ESTES       |                  |                    |
| DILLENBACK  |                  |                    |

#### SUMMARY

Current law provides that operating any watercraft while under the influence of alcohol is a Class E crime. The original bill sought to make that action a Class C crime.

Committee Amendment "A" (H-708) replaces the bill. It would amend the crime of operating a watercraft under the influence into 2 parts. If the watercraft is nonmotorized (e.g. a canoe) or has a motor of 5 horsepower or less, the crime is still a Class E crime. If, however, the watercraft has a motor of more than 5 horsepower, the crime would be a Class D crime, and the mandatory minimum penalties generally track those for motor vehicle OUI. The amendment would also make failure to comply with the duty to submit to a chemical test a Class E crime. Provisions concerning administration of chemical tests and record keeping mirror the motor vehicle statutes.

LDAn Act to Clarify the Offense of Furnishing Liquor to aPUBLIC1995Minor576

| SPONSOR (S) | COMMITTEE | REPORT | AMENDMENTS ADOPTED |
|-------------|-----------|--------|--------------------|
| DILLENBACK  | OTP       |        |                    |
| MURPHY E    |           |        |                    |
| TUPPER      |           |        |                    |
| PERRY       |           |        |                    |

#### SUMMARY

Current law regarding furnishing liquor to minors refers to "premises" under the control of the person. "Premises" is defined in the liquor laws as only

<u>licensed</u> premises. This bill clarifies the language concerning consumption of liquor by minors to show that it is illegal in any place, not just on licensed premises.

| LD   | An Act Pertaining | to Fire Permit Enforcement | ND 2254 |
|------|-------------------|----------------------------|---------|
| 2026 |                   |                            |         |

| SPONSOR (S) | COMMITTEE | REPORT | AMENDMENTS | ADOPTED |
|-------------|-----------|--------|------------|---------|
| BRAWN       | OTP-ND    |        |            |         |
| MELENDY     |           |        |            |         |
| PERKINS     |           |        |            |         |

## SUMMARY

Replaced By LD 2254

LD An Act Relating to the Use of Unoccupied Interment Spaces PUBLIC 2031 579

| SPONSOR (S)                              | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|--|------------------|--------------------|
| KANY<br>DUTREMBLE D<br>TUPPER<br>JALBERT | OTP              | S-313 KANY         |

#### SUMMARY

The original bill would allow cemeteries to sell and use certain unoccupied interment spaces, after proper notice is given to the record owners of the spaces.

Senate Amendment "A" (S-313) was introduced for the Committee. It clarifies certain language concerning which spaces may be used, and provides more specificity in the notice requirements. It also exempts small (less than 1/2 acre) from the provisions.

LD An Act Relating to Requirements for Tenancy in Mobile Home LV/WD 2034 Parks

| SPONSOR (S) | COMMITTEE REPORT | AMENDMENTS ADOPTED |
|-------------|------------------|--------------------|
| TUTTLE      | LV/WD            |                    |
| BUSTIN      |                  |                    |
| BALDACCI    |                  |                    |
| WENTWORTH   |                  | . ·                |

### SUMMARY

Current law allows mobile home park owners to require mobile home owners to remove their mobile homes based on the age or condition of the structure. This bill would have prohibited mobile home park rules which require the removal of mobile homes based solely on age or length. See also LD 2147.