

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1988

MEMBERS

Sen. Joseph C. Brannigan *
Sen. N. Paul Gauvreau
Sen. Henry W. Black

Rep. Patrick E. Paradis *
Rep. Daniel E. Warren
Rep. Harry L. Vose
Rep. Constance D. Cote
Rep. Gerard P. Conley, Jr.
Rep. Dale F. Thistle
Rep. Mary H. MacBride
Rep. Jeanne F. Begley
Rep. Dana C. Hanley
Rep. Francis C. Marsano

* Denotes Chair

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HARTLEY PALLESCHI, JR. RES. ASST.

**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.

SPONSOR(S)
CONLEY
GAUVREAU

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-567

SUMMARY

LD 2115 proposed to correct several typographical errors in legislation enacted during the 1st Regular Session and made minor changes to simplify District Court procedures under those laws. It also repealed the requirement that a defendant in a civil violation case receive a 2nd notice of hearing after his initial failure to appear before a default judgment could be entered.

Committee Amendment "A" completely rewrote the LD and made the following changes:

1. It added a provision to ensure that violators who pay their fines in installment payments are not subject to the automatic assessment of \$25 in costs for failure to pay their fines within 30 days;
2. It included a modified version of the changes proposed in LD 2285 regarding civil arrests for failure to appear at a disclosure hearing. Under the amendment, the creditor need not file an affidavit stating that he knows of no good reason why the debtor failed to appear, but he must make his request to the court for a contempt or civil arrest order in writing;
3. It permits a civil order of arrest to be made returnable to a court other than the issuing court;
4. It clarifies a court's authority to amend a payment schedule fixed by the court before contempt proceedings are initiated; and
5. It restores the requirement that a defendant who fails to appear at a scheduled hearing must receive notice of and opportunity for an additional hearing before he is subject to a default judgment.

SPONSOR(S)
MARSANO
GAUVREAU
THISTLE
PARADIS P

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-561

SUMMARY

LD 2157 proposed to amend the harassment law to repeal unnecessary language, clarify reporting requirements and repealed the crime of harassment based upon characteristics.

Committee Amendment "A" retained the crime of harassment based upon characteristics and also retained the requirement of present law that police dispatchers be able to notify officers at the scene of an incident of alleged incidents of previous harassment involving the same parties.

LD An Act to Protect Elderly, Infirm Persons from Improvident PUBLIC
2204 Transfer of Title to Property 699

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BRANNIGAN CONLEY THISTLE COTE	OTP-AM	S-386

SUMMARY

LD 2204 proposed to authorize the judicial invalidation of certain transfers of property by elderly persons who were potentially subject to undue influence in the transfer.

Committee Amendment "A" replaces the concept of an elderly "impaired" individual with the concept of "dependency." It eliminates those portions of the LD which dealt with mistake of fact or law; clarifies that the statute is enforceable only through a civil action, subject to the normal 6-year statute of limitation; provides an exemption for innocent 3rd-party purchasers and for holders of mortgage deeds, to the extent that value is given for the mortgage deed; and adds an application clause to clarify that the law applies only to transfers of property that occur after its effective date.

LD An Act Establishing Rights-of-Way for Utilities in Existing LV/WD
2228 Rights-of-Way for Egress and Ingress

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MOHOLLAND VOSE	LV/WD	

SUMMARY

LD 2228 proposed to require any easement for the purposes of ingress and egress to be interpreted to also include an easement for utility services. The bill was originally referred to the Joint Standing Committee on Utilities.

LD An Act to Provide for Expedited Judicial Review of Municipal LV/WD
2233 Action or Inaction

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BRANNIGAN PARADIS P	ONTP	

SUMMARY

LD 2233 proposed to grant statutory standing to citizens of a municipality to challenge the selectmen's refusal to insert an article in a warrant for a town meeting or to challenge the results of a referendum recount.