MAINE STATE LEGISLATURE

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STATE OF MAINE 113TH LEGISLATURE SECOND REGULAR SESSION



BILL SUMMARY JOINT STANDING COMMITTEE ON JUDICIARY

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.

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

SPONSOR(S) BRANNIGAN COMMITTEE REPORT

AMENDMENTS ADOPTED

OTP-AM S

S-386

CONLEY THISTLE COTE

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

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MOHOLLAND

LV/WD

VOSE

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

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

BRANNIGAN

ONTP

PARADIS P

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.

Office of Policy and Legal Analysispage 15 Judiciary