

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

Staff: Gil Brewer, Legal Analyst
Martha Freeman, Legal Analyst

Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670

EN T. GINDER, DIRECTOR
EN WHITESIDE, DEP. DIRECTOR
ERT W. BREWER
D C. ELLIOTT
) FLATEBO
THA E. FREEMAN, SR. ATTY.
B. GAUTSCHI
LIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
CAROLYN J. CHICK, PARALEGAL
ROBERT W. DUNN, RES. ASST.
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 Lorette 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) COMMITTEE REPORT AMENDMENTS ADOPTED
BRANNIGAN OTP-AM 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.