

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
JUDICIARY
JULY 1989**

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Sen. Muriel D. Holloway

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* Denotes Chair

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

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 for 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 abbreviated 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 Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

Joint Standing Committee on Judiciary

LD 19 An Act Concerning the Right to Install Utilities in
Certain Easements or Rights-of-Way

PUBLIC 149

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

OTP-AM

H-157

SUMMARY

The bill contained the recommendations of the Committee to Study Utility Easements over Existing Rights-of-Way. The bill provided that easements including the right of access over a way included by implication the right to install utility services if originally created in an instrument executed on or after October 1, 1989. The bill also created a rebuttable presumption that a general right-of-way created before October 1, 1989, included the right to install utility services.

Committee Amendment "A" (H-157) retitled the bill and replaced the text. It provides that an easement or right-of-way does not by implication include the right to install utility services if the easement or right-of-way is created in a written instrument executed on or after January 1, 1990, and the easement or right-of-way does not expressly include the right to install utility services.

LD 44

An Act to Establish a Supreme Judicial Court Sentence Review
Mechanism Relative to Sentences Involving Terms of
Imprisonment of One Year or More (Reported Pursuant to Joint
Order, SP16)

PUBLIC 218

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

OTP

SUMMARY

The bill repeals the old sentence review procedures and establishes a new sentence review mechanism. The Supreme Judicial Court will establish a Sentence Review Panel which will review requests by convicted and sentenced persons to appeal the sentences imposed. The review will establish sentencing guidelines for the Maine courts.

LD 146 An Act to Provide Greater Power to the Maine District Court
in Emancipation Proceedings

PUBLIC 126

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MARSANO

OTP-AM

H-71

FARNSWORTH

RICHARDS

SUMMARY

The bill provided that the court could refer the parties in an emancipation proceeding to mediation. It also provided that the court could impose sanctions for refusal to participate in mediation. It also allowed the court to release the minor's medical records.

Committee Amendment "A" (H-71) replaced the text of the bill. It provides authority for a court to refer the parties to mediation. It also clarifies that an emancipation proceeding is public unless one of the parties requests that it be closed.