

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. N. Paul Gauvreau
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.

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
RICHARD ROTONDI PAUL	OTP-AM	H-69

SUMMARY

The bill allowed a municipality to designate one officer to handle all of that municipality's arraignment caseload, and it allowed several municipalities to designate one officer to represent all those municipalities to handle arraignments. It also allowed municipalities to contract with the sheriff's office for the same arrangement. Finally, it provided for reimbursement of actual costs to the municipality for having an officer at the court on arraignment day.

Committee Amendment "A" (H-69) replaced the text of the bill, although it retained the concept of one officer representing several municipalities and the county at arraignments. The Committee wrote a letter to the Appropriations Committee requesting an increase in the reimbursement from \$20 per day to \$35.

LD 272 An Act to Implement the Aroostook Band of Micmacs Settlement Act

PUBLIC 148

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
LUDWIG COLLINS MACBRIDE LISNIK	OTP-AM	H-154 PARADIS P S-53

SUMMARY

The bill amended the Maine Indian Claims Settlement Act to include the Aroostook Band of Micmacs and established procedures whereby the Band could acquire trust land with the \$900,000 to be paid by the U.S. Government.

Committee Amendment "A" (S-53) replaced the text of the bill, retaining the substance but placed it in a chapter separate from the Indian Claims Settlement Act.

House Amendment "A" (H-154) provides that the Micmacs must consent to changes in the statute once Congress ratifies it, and provides that the law will be effective only after Congressional ratification.

LD 282 An Act to Modify the Statute of Limitations in Sexual Abuse of Minors Cases

PUBLIC 292

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BOUTILIER HOBBINS HOLLOWAY BURKE	OTP-AM	H-375

SUMMARY

The bill extended the statute of limitations for criminal prosecutions until 7 years after the victim turns 18 for certain sexual abuse crimes perpetrated on children.

Committee Amendment "A" (H-375) retitled the bill and replaced the text of the bill. It extends the statute of limitations for civil actions to 3 years after the person discovers or reasonably should have discovered the abuse.

LD 328 **An Act to Clarify the Applicability of the Maine Tort Claims
Act to the Consumer Advisory Board**

PUBLIC 349

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
GILL CARROLL D BERUBE PENDLETON	OTP-AM	S-162

SUMMARY

The bill did 3 things. In section 1, it prohibited payment of claims (of up to \$2,000) by a department unless the State would be liable if it were a private entity. Section 2 of the bill included the Consumer Advisory Board, established in the Pineland Consent Decree, under the Maine Tort Claims Act. Section 3 set out the responsibilities of the Consumer Advisory Board in statute.

Committee Amendment "A" (S-162) deleted Section 1 of the bill.

LD 337 **An Act to Authorize the Supreme Judicial Court to Provide a
Record of Court Proceedings**

LV/WD

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

SUMMARY

This bill would have left how reviewable records of all court proceedings are produced (i.e., stenographer, electronic or otherwise) to the determination of the Supreme Judicial Court.

LD 342 **An Act to Amend the Uniform Partnership Act with Regard to
Partnership Title in Real Estate**

PUBLIC 120

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
HOBBINS PARADIS P	OTP-AM	S-48

SUMMARY

The bill vests legal title to real estate in the partnership when the property was acquired in the partnership name, even if that property had been acquired before the effective date of the Uniform Partnership Act.

Committee Amendment "A" (S-48) revises the notice period for individual partners to preserve any separate interests that they may hold in the real estate.