

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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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.

SPONSOR(S)
RAND
ADAMS
PAUL

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill would have increased the penalty by one class for any drug crime committed while armed with or in possession of a firearm. (See LD 1116 and LD 1158)

SPONSOR(S)
CARTER
DUTREMBLE D
MATTHEWS
COLLINS

COMMITTEE REPORT
OTP-AM MAJ
OTP-AM MIN

AMENDMENTS ADOPTED
H-127 MAJ REP
S-424 PEARSON

SUMMARY

The bill prohibits the performance of an abortion on a minor except when the attending physician has obtained the informed written consent of the minor and one parent or guardian; the minor is emancipated; the minor has been granted the right of self-consent by the court; or the minor has been granted consent by the court.

Committee Amendment "A" (H-127) (majority report) replaced the text of the bill. It prohibits the performance of an abortion except where a parent, guardian or adult family member consents; the minor is physically and mentally competent to give consent; the minor has received required information and counseling; or the court grants the right of self-consent or consents to the abortion on behalf of the minor.

Committee Amendment "B" (H-128) (minority report) moved the jurisdiction to the Probate Court, clarified that a guardian ad litem could be appointed for the minor, and established that the court proceedings and records are not public. (Not adopted)

House Order Propounding Questions to the Supreme Judicial Court set forth questions on the constitutionality of specific provisions of Committee Amendment "A". (Not adopted)

House Amendment "A" to House Order (H-186) revised the questions to be asked of the Justices. (Not adopted)

House Amendment "A" (H-149) reproduced the majority report with 3 changes: 1) members of the clergy cannot provide the information and counseling; 2) petitions to the court must set forth that the minor is legally competent; and 3) an appeal of a court decision must be made within 72 hours. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-98) makes 4 changes: 1) deletes members of the clergy; 2) counselors affiliated with church groups do not have to provide information on abortion; 3) counselors must provide information on post-abortion and post-delivery counseling; and 4) deletes the nonseverability clause. (Not adopted)

Senate Amendment "B" to Committee Amendment "A" (S-99) does the same as Senate Amendment "A" except it does not delete the nonseverability clause. (Not adopted)

Senate Amendment "C" to Committee Amendment "A" (S-339) would limit court proceedings to Probate Court only. (Not adopted)

Senate Amendment "D" to Committee Amendment "A" (S-424) amends the appropriation section.

LD 623 An Act to Amend the Public Drinking Law to Remove the Warning Requirement LV/WD

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
CURRAN	LV/WD	
TUPPER		
COTE		
DILLENBACK		

SUMMARY

The bill would have removed the warning from the public drinking law.

LD 627 An Act Relating to Computer Access CARRY OVER

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
PARADIS E		
GARLAND		
ALLEN		
BALDACCI		

SUMMARY

The bill would establish a comprehensive set of laws prohibiting certain types of computer-related crimes and providing penalties. The bill is similar to bills introduced in past sessions. The Criminal Law Advisory Commission and interested parties will recommend language to the 2nd Regular Session.

LD 641 An Act to Implement Civil Penalties for Passing Worthless Instruments PUBLIC 357

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
WEYMOUTH	OTP-AM	S-172
DELLERT		
PARADIS P		

SUMMARY

The bill awards a successful plaintiff in a bad check (or other worthless paper) case the value of the instrument plus the costs of collecting that amount.

Committee Amendment "A" (S-172) includes processing charges in the list of charges that the drawer must pay. It also allows written agreements to supersede these provisions.

Senate Amendment "A" (S-260) clarifies when attorney's fees may be awarded.