

MAINE STATE LEGISLATURE

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



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS**

JULY 1989

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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.

LD 1315 An Act to Change Certain Criminal Violations to Civil Violations

LV/WD

SPONSOR(S)
STEVENS P
CONLEY
FARNSWORTH
HOBBINS

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

This bill changes several traffic infractions from criminal to civil violations. Those infractions are: operating an unregistered motor vehicle, running a yield sign and having an accident, defacing a highway sign, using the license plate issued to another, and operating after suspension if the reason for the suspension was failure to apply for or obtain a license or failure to pay a reinstatement fee.

LD 1327 An Act to Amend the Liquor Laws Relating to Wine Tasting

PUBLIC 488

SPONSOR(S)
CAHILL P

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-252
S-271 CAHILL

SUMMARY

This bill allows off-premise retail licensees to conduct wine tastings if the conditions listed in the bill are met. Those conditions include written permission from the State Liquor Commission, no conduct of tastings on a regular or daily basis, and no service of more than 5 ounces wine per person per tasting.

Committee Amendment "A" allows only those retail establishments which derive 50% or more of their gross income from beer and wine sales to conduct wine tastings. The amendment allows a retailer to conduct only one tasting per month. The amendment requires that all wine served at a tasting be purchased from a wholesale dealer. The amendment makes several technical corrections to clarify the language of the bill.

Senate Amendment "A" corrects a technical error in production of Committee Amendment "A".

LD 1339 An Act to Require Municipalities to Leave the Names of Women Who Marry on Voting Registration Records

PUBLIC 379

SPONSOR(S)
HOLT
JOSEPH

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-397

SUMMARY

This bill prevents municipal registrars from changing or removing the name of a voter who marries from the voting list without the voter's authorization.

Committee Amendment "A" permits the registrar to send a notice to a newly married voter to inquire whether that person name or address has changed. The amendment clarifies that, although a person's name

may not be removed from a voting list simply because that person marries, a married person, like any other voter, has an obligation to inform the registrar of name and address changes.

LD 1361 An Act to Amend the Charter of Hebron Academy

P & S 32
EMERGENCY

SPONSOR(S)
HANLEY
TWITCHELL

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill amends the Hebron Academy charter by revising the classes of trustees and by creating a new class of trustee, "Distinguished Trustee Emeritus".

LD 1420 An Act to Clarify that Municipal Police Officers Need Not Be Residents of the State

PUBLIC 279
EMERGENCY

SPONSOR(S)
FARNUM
CARPENTER
MURPHY
PLOURDE

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED
H-366 PRIEST

SUMMARY

This bill provides that a municipal police officer need not be a resident of the State as a condition of initial or continued employment. The bill also authorizes mutual law enforcement assistance agreements between a Maine municipality and an out-of-state municipality.

House Amendment "A" clarifies the bill's provisions regarding law enforcement officers' powers under a mutual assistance agreement.

LD 1467 An Act to Facilitate the Expeditious Resolution of Certain Superior Court Cases

PUBLIC 377
EMERGENCY

SPONSOR(S)
BERUBE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-239

SUMMARY

This bill, anticipating the Law Court's decision in North School Congregate Housing v. Merrithew, Law Docket No. Cum-88-332, decided May 18, 1989, established a procedure for a jury trial in Superior Court in forcible entry and detainer (FED) actions, in the event that the Law Court ruled that a defendant in an FED action has a right to trial by jury. The bill provides for either party's appeal of questions of fact from the District Court, where an initial judgment is rendered, to the Superior Court where a jury trial de novo will be held. The bill requires a defendant seeking a jury trial to pay all rent and damages in dispute into escrow; an appealing plaintiff must pay into escrow funds sufficient to pay costs adjudged against that plaintiff. The bill provides that costs and attorney's fees will be