# 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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Staff: Todd R. Burrowes, Legislative Analyst

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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.

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)

COMMITTEE REPORT

AMENDMENTS ADOPTED

HANLEY

0TP

TWITCHELL

#### 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)

COMMITTEE REPORT

AMENDMENTS ADOPTED

FARNUM

OTP

H-366 PRIEST

CARPENTER MURPHY PLOURDE

#### **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)

COMMITTEE REPORT

**AMENDMENTS ADOPTED** 

BERUBE

OTP-AM

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

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assessed against a party who prosecutes a frivolous appeal. The bill also requires a party seeking a jury trial to file affidavits which specify the questions of fact to be tried to the jury.

Committee Amendment "A", considered and adopted after the Law Court's resolution of the Merrithew case, in which the Law Court did in fact find that a right to trial by jury exists in an FED action, amends the bill's provisions regarding procedures for securing the right to a jury trial and adds an emergency clause and preamble. The amendment requires a defendant to pay into escrow only current rent as it comes due during the pendency of the appeal. The amendment requires the Superior Court to condition its stay of the writ of possession on payment of current rent into escrow and, in appropriate cases, the defendant's promise to refrain from damage to the property. The amendment allows the Superior Court to authorize payment out of the escrow for expenses related to the premises. The amendment removes the bill's provisions regarding frivolous appeals and filing of affidavits. The amendment also asks the Law Court to promulgate rules of court prescribing rules of procedure for appeals of FED decisions.

LD 1499 An Act to Remove Restrictions from Beano Revenues of Nonprofit Organizations

LV/WD

LV/WD

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

CARTER

JOSEPH

JACQUES

MATTHEWS

#### SUMMARY

This bill removes all restrictions on use of "beano" or "bingo" revenues earned by nonprofit organizations.

LD 1536 An Act to Allow Employers to Collect a Service Charge for Debt Collection from Employees

ONTP

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

SMITH

ALLEN

MELENDY

GRAHAM

#### SUMMARY

This bill allows an employer, who has been ordered by a court to pay part of an employee's earnings to a creditor, to charge the employee a fee of up to \$5 for each payment.

LD 1579 An Act Regarding the Training Costs of Police Officers

PUBLIC 454

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

**MCPHERSON** 

OTP-AM

H-585

# ESTES SUMMARY

This bill amends the definition of "training costs" to be reimbursed by a municipality which hires a law enforcement officer whose training was paid for by another municipality. The bill allows recovery of

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