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

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.

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

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

CARTER LV/WD

JOSEPH JACOUES 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

Legal Affairs

25% of the overtime paid to the officer in training and the full amount of overtime paid to persons filling in for the officer in training.

Committee Amendment "A" replaces the bill and allows a municipality to recover the full cost of uniforms furnished to the officer in training and the base salary paid to officers newly hired or working overtime to fill in for the officer in training.

LD 1582 An Act Regarding Qualifications of Sheriffs

LV/WD

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MAY0

LV/WD

MELENDY PAUL

SUMMARY

BUSTIN

This bill establishes eligibility requirements for the constitutional office of sheriff. Those requirements include U.S. citizenship, a high school education, law enforcement experience, and no record of a felony conviction. Office holders in office on January 1, 1990, are grandfathered.

LD 1605

An Act to Provide for Appeal of Certain Decisions of Counselors Employed by the Driver Education Evaluation Program OTP-AM

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

HUSSEY

SEY OTP-AM

H-554

KANY CONLEY PRAY

SUMMARY

This bill requires counselors to approve and recommend restoration of drivers' licenses within 6 months for individuals convicted of OUI who have completed the applicable course provided by law.

Committee Amendment "A" replaces the bill. The amendment allows a DEEP client who has satisfied criteria listed in the amendment to appeal a counselor's decision not to certify that the client has completed treatment or not to recommend that the client be issued a work restricted license without first obtaining a 2nd counselor's opinion, if the client has actively participated in a prescribed course of treatment for 6 consecutive months within the year preceding the appeal. The amendment also appropriates funds to enable DEEP to compensate counselors who travel to meet with clients in Maine's more remote areas.