

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

AUGUST 1991

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION
JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<i>Action incomplete when 1st session ended</i>

These summaries were prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

LD 74

An Act Regarding Liability for Persons Responding to Oil Spills (Reported by the Commission to Study Maine's Oil Spill Clean-up Preparedness Pursuant to Public Law 1989, chapter 878)

PUBLIC 380

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

OTP-AM

H-360

SUMMARY

The bill was proposed by the Commission to Study Maine's Oil Spill Clean-up Preparedness under PL 1989, c.868. The bill defines certain terms and phrases, makes explicit the right of terminal operators to recover damages from a vessel that has spilled oil if the terminal ends up paying damages, and grants additional immunity to oil spill responders.

Committee Amendment "A" (H-360) corrects a definition and amends the provisions extending limited immunity for responders to conform with federal law and several other states' laws. The person responsible for the spill is liable for damages for which the responder is immune.

LD 79

An Act to Strengthen the Involuntary Commitment Laws (By Request)

LV/WD

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

TWITCHELL

LV/WD

SUMMARY

The bill would have permitted involuntary commitment of a person who engages in obsessive behavior that is threatening to another person. See bill on criminal threatening, terrorizing and harassment, LD 1686.

LD 83

An Act to Amend the Child Support Guidelines (By Request)

ONTP

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

TWITCHELL

ONTP

SUMMARY

The bill would have limited a nonprimary care provider's weekly support obligation for all the children for whom a support award is established or modified to 10% of that person's weekly income. The bill would have also required the court or hearing officer to take into account other obligations.

LD 88

An Act Concerning Consent to Dental Care

PUBLIC 217

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

SMALL

OTP-AM

H-170

GILL

H-264 PARADIS P

HOLLOWAY

MACBRIDE

SUMMARY

The bill revised the informed consent to health care treatment provision of the Maine Health Security Act by changing the circumstances in which immunity is accorded to dentists and health care providers rendering dental treatment.

Committee Amendment "A" (H-170) replaces the bill. It allows any physician, podiatrist or dentist to rely upon a reasonable representation by the person giving consent for the patient that that person is authorized to give consent, unless the physician, podiatrist or dentist has information to the contrary.

House Amendment "A" to Committee Amendment "A" (H-264) adds "health care provider" to who may rely on a reasonable representation that the person is authorized to give consent.

LD 99 An Act to Amend the Penalties for Habitual Offenders and PUBLIC 293
Operating After Suspension

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RICHARDS	OTP-AM	H-279
HASTINGS		
CONLEY		
O'DEA		

SUMMARY

This bill makes major changes in the Operating After Suspension and the Habitual Offender laws.

First, the crime of operating after suspension is made a Class E crime. The Legislature amended this section of the law twice last year, once to cover "parking areas" and once to reduce the crime to a Class E crime, but with the possibility of a higher fine. This amendment to the Maine Revised Statutes, Title 29, section 2184, subsection 4, retains the parking lot coverage, and makes operating after suspension a Class E crime with no allowance for a larger fine.

Second, the bill reduces the crime of operating while an habitual offender from a Class C crime to a Class D crime. Starting with the third violation, however, operating while an habitual offender is a Class C crime.

Committee Amendment "A" (H-279) provides general definition of prior convictions within a specific time period; requires that the Secretary of State's notice that a person's license is suspended or revoked state that a reinstatement fee must be paid before the person may legally drive again, and revises the penalties for operating after revocation for habitual offenders. First offense of operating after revocation without any prior OUI convictions is a Class D crime; all second offenses and all first offenses with a prior OUI are Class C crimes.

LD 100 An Act to Eliminate the Requirement of Mediation in Certain PUBLIC 75
Domestic Cases

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RICHARDS	OTP	
ANTHONY		
HASTINGS		
CONLEY		

SUMMARY

The bill permits the court to waive the requirement of mediation in cases in which the remaining issues are purely legal.