

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE
115TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

AUGUST 1991

MEMBERS:

***Sen. N. Paul Gauvreau
Sen. Georgette B. Berube
Sen. Muriel D. Holloway**

***Rep. Patrick E. Paradis
Rep. Constance D. Cote
Rep. Patricia M. Stevens
Rep. Cushman D. Anthony
Rep. Susan Farnsworth
Rep. Mary R. Cathcart
Rep. Andrew Ketterer
Rep. Dana C. Hanley
Rep. John H. Richards
Rep. David N. Ott**

Staff:

Margaret J. Reinsch, Legislative Analyst

***Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207) 289-1670***

****Denotes Chair***

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
ON CLARK
DYAN M. DYTTER
BRO FLATEBO
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
ANE ORBETON



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

**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 384**An Act to Amend the Juvenile Code Regarding Detention in Homicide Cases****PUBLIC 39**SPONSOR(S)
KETTERERCOMMITTEE REPORT
OTP-AMAMENDMENTS ADOPTED
H-40**SUMMARY**

The bill reserves to the Attorney General the right to order a juvenile charged with a homicide detained until the juvenile court makes the decision regarding the juvenile's release or detention. The bill also returns to the juvenile caseworkers the balance of the filing duties and responsibilities.

Committee Amendment "A" (H-40) requires a law enforcement officer to notify the juvenile caseworker at the same time the Attorney General is notified when a juvenile is involved in a homicide.

LD 388**An Act to Provide Payment of Restitution to the Offices of the District Attorneys****PUBLIC 90**SPONSOR(S)
CATHCARTCOMMITTEE REPORT
OTP-AMAMENDMENTS ADOPTED
H-111**SUMMARY**

The bill provides for the payment of all restitution to the offices of the prosecuting attorneys or the Department of Corrections, Division of Probation and Parole which are the agencies that enforce payment of restitution.

Committee Amendment "A" (H-111) allows the court to order restitution to be paid to the prosecuting attorney, the clerk of court or, if the person is on probation, to the Division of Probation and Parole.

LD 395**An Act to Clarify Ownership of Public Ways****PUBLIC 195**SPONSOR(S)
FARNSWORTH
LARRIVEE
GOULD R A
MCCORMICKCOMMITTEE REPORT
OTP-AMAMENDMENTS ADOPTED
H-187**SUMMARY**

The bill establishes a presumption that a public way is not abandoned by a town or county if the town or county has accepted the way and has appropriated money for and maintained the way for at least 3 years. It also requires mediation before the dispute can be resolved in court.

Committee Amendment "A" (H-187) changes the bill by deleting the presumption of nonabandonment and the requirement that parties to a dispute over town ways and public easements go through mediation before litigation. It also provides that, if the municipal officers determine that a way is a town way or public easement, that determination is binding on all persons, including all the parties to the dispute until a court makes the final determination, or until a court orders otherwise, such as issuing a temporary restraining order, while the litigation is pending. Finally, it provides that, if the municipal officers determine that the way is a town way or a public easement, the municipality or abutters on the way, with the written permission of the municipal officers, may remove any obstructions on the way. Municipalities often do not have the resources to remove obstructions. The abutters who want to use the way may remove the obstructions themselves.