

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

Staff:
Margaret J. Reinsch, Legislative Analyst

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

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*

**Denotes Chair*

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



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.

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

**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.

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BOUTILIER	LV/WD	
BERUBE		
PARADIS P		
RICHARDS		

SUMMARY

The bill would have required the Department of Corrections to notify victims when a person is released on or from parole, or when the person's sentence is served. Current law requires notification of the release of persons who committed Class A, B and C crimes only and no notice when the sentence has been completed for any crimes. The bill would have required the State Parole Board to consider comprehensive information about the convicted person applying for parole. The board would have been required to notify the prosecutor and the victim about any parole hearings and allow them to testify or otherwise present information.

For a sex offender whose victim is a minor, the board would have been required to have a disinterested 3rd party examine the offender to determine if that person still represents a danger to children. For a sex offender whose victim is a minor, the bill would have required the board to include as a condition of parole, if parole is granted, that the convicted person be accepted by and participate in mental health therapy programs designed to address the offense for which the person was convicted.

LD 424 An Act to Enhance Protection of Children in Court Proceedings**LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BOUTILIER	LV/WD	
GAUVREAU		
CATHCART		
DAGGETT		

SUMMARY

The bill would have allowed a child who is a victim of alleged abuse or neglect to provide testimony using closed-circuit television. However, the court would have first had to rule that the testimony of the child victim in the courtroom would result in the child's suffering serious emotional distress, limiting the child's ability to communicate. The bill also would have allowed victims of alleged abuse or neglect to choose up to 2 support persons to be present during the testimony of the child.

LD 427 An Act Relating to Discrimination in Membership in Golf and Country Clubs**PUBLIC 109**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU	OTP-AM	S-52
CLARK N		
TREAT		
KETTERER		

SUMMARY

The bill makes it illegal for golf clubs and country clubs to discriminate by specifically naming golf clubs and country clubs as places of public accommodation. It is a violation of the Maine Human Rights Act to discriminate in the provision of public accommodations on the basis of race or color, sex, physical or mental handicap, religion, ancestry or national origin.

Committee Amendment "A" (S-52) adds a fiscal note.

LD 430 An Act to Prevent Discrimination

**DIED BETWEEN
BOOIES**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	OTP-AM MAJ	
STEVENS P	ONTP MIN	
GILL		
O'GARA		

SUMMARY

The bill would have prohibited discrimination on the basis of sexual orientation in the areas of employment, housing, public accommodations and credit.

Committee Amendment "A" (S-32) (Majority report) added a fiscal note.

Senate Amendment "A" (S-33) added a referendum and a fiscal note.

House Amendment "A" (H-63) added a referendum and a fiscal note.

LD 431 An Act Regarding Harassment by Telephone

LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ESTES	LV/WD	
ADAMS		
CARPENTER		
CARLETON		

SUMMARY

The bill would have reduced the mens rea requirement from knowingly to negligently for the crime of permitting a phone under a person's control to be used to make harassing calls. The bill would have created a presumption of negligence when certain facts are proved.

LD 447 An Act to Increase the Penalties for Career Criminals

LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P	LV/WD	
KETTERER		
O'DEA		

SUMMARY

The bill would have enhanced the class of the most serious theft crimes if the person committing the thefts has been convicted of 2 or more Class A, B or C crimes or murder within the preceding 10 years. Thefts that would otherwise be Class B crimes would be enhanced to Class A crimes, and Class C thefts would become Class B crimes.