

# 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:

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

Committee Amendment "A" (H-142) revises the bill to make the power of sale apply to all mortgages securing loans that are primarily for business, commercial or agricultural purposes and that are extended to partnerships and trusts, as well as those to corporations. It also provides that a properly incorporated power of sale is not affected by the transfer of the property to an entity or individual other than a corporation, partnership or trust. The power of sale cannot be used to foreclose on the primary residence of a mortgagor who is a natural person.

**LD 809 An Act to Amend Maine's Antitrust Laws**

**PUBLIC 137**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS P GAUVREAU PARADIS P OTT	OTP-AM	H-126

**SUMMARY**

The bill repeals the law conferring immunity from prosecution to witnesses in restraint of trade or commerce cases. The bill clarifies that costs of suit are recoverable by the Attorney General in injunctive actions as they are also recoverable in damage action. The bill adds language imposing civil penalties for contempt of a court order, similar to the language that exists currently in the parallel provisions of the Unfair Trade Practices Act, Title 5, section 209. The bill increases the civil penalty to \$100,000 and further conforms the civil penalty provision to the language existing in the parallel provisions in the Unfair Trade Practices Act, Title 5, section 209. The bill applies the investigative provisions of Title 10, section 1107 to inquiries by the Attorney General concerning mergers and acquisitions under Title 10, section 1102-A.

Committee Amendment "A" (H-126) deletes from the bill the requirement that the Attorney General recover the costs of an antitrust proceeding.

**LD 814 An Act to Amend the Law Relating to Gross Sexual Assault**

**LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOLLOWAY GAUVREAU FARNSWORTH	LV/WD	

**SUMMARY**

The bill would have expanded the definition of gross sexual assault to include instances when a person has not expressly or impliedly acquiesced in the act.

**LD 819 An Act to Provide an Expedited Process for the Commencement of Paternity Actions**

**PUBLIC 256**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOLLOWAY OTT GAUVREAU CAHILL M	OTP-AM	H-340 PARADIS P S-87

**SUMMARY**

The purpose of this bill is to enable the Department of Human Services, as the State's child support enforcement agency under the federal Social Security Act, Title IV, Part D, to comply with the federal

performance and audit requirements relative to the establishment of paternity set forth in 45 Code of Federal Regulations 303.5(a)(1)(2)(3), effective October 1, 1990, both with regard to new cases and the case backlog of 6,000. The bill provides an expedited process for the commencement of paternity actions, which parallels the preliminary provisions of the Uniform Act on Paternity. All paternity trials and default hearings would continue to be held by either the District Court or the Superior Court, and all determinations of paternity and nonpaternity would continue to be made only by the District Court or the Superior Court.

Committee Amendment "A" (S-87) adds a fiscal note.

House Amendment "A" (H-340) clarifies the original intent and includes 3 significant changes. One category of alleged father is removed because it is entirely contained in one of the two remaining categories. It revises the jurisdiction section to cover only those who engage in sexual intercourse in the State with a resident of the State. It specifically refers to the child support guidelines in authorizing a court to award child support.

**LD 823      An Act to Amend the Wrongful Death Laws      PUBLIC 187**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CARLETON	OTP	H-199    PARADIS P

**SUMMARY**

The bill amends the wrongful death laws to allow a jury to award punitive damages beyond the \$75,000 limit on damages.

House Amendment "A" (H-199) limits punitive damages to \$75,000.

**LD 829      An Act to Amend the Law Dealing with Foot Pursuit      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
SWAZEY MILLS PINEAU COTE	ONTP	

**SUMMARY**

The bill would have added provisions to the Criminal Code regarding pursuit of a person foot that parallel provisions regarding pursuit of a motor vehicle. The law enforcement officer would have been required to be in uniform and would have to have probable cause to stop a person before the person would be guilty of a Class E crime for failure to stop.

**LD 843      An Act to Assist Victims of Crime      LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MELENDY SWAZEY STEVENS P LAWRENCE	LV/WD	

**SUMMARY**

The bill would have established a fund, to be administered by the Attorney General, to provide restitution to crime victims. The bill would have permitted a court to order any offender to pay a fee