

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 far right of the title. Various types of final action are abbreviated as follows:

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

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, 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 939

An Act to Provide Funding for Sexual Abuse Victims and Offenders

ONTP

SPONSOR(S)

FARNSWORTH
CATHCART
MCCORMICK
PARADIS P

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill helped to provide services for both the victims of sexual abuse and the perpetrators of the abuse. It allowed courts to set fines for sexual assaults based on the convicted person's hourly or daily wage, ensuring a penalty commensurate with the person's ability to pay. The fines for all sexual assaults would be segregated into a special fund, the Sexual Abuse Victims and Offenders Fund.

The bill established an interdepartmental committee to develop services for both victims and offenders and to administer the Sexual Abuse Victims and Offenders Fund. The interdepartmental committee would determine the appropriate allocation of the funds to provide services for both victims and offenders. The interdepartmental committee consisted of the Commissioner of Human Services, the Commissioner of Corrections, the Commissioner of Mental Health and Mental Retardation and the Commissioner of Education.

LD 1016

An Act Relating to the Division of a Member's Rights and Benefits under the Maine State Retirement System Pursuant to a Qualified Domestic Relations Order

PUBLIC 746
EMERGENCY

SPONSOR(S)

FARNSWORTH
CATHCART
HOLLOWAY
KETTERER

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1091 JALBERT
H-924

SUMMARY

Because the Maine Revised Statutes, Title 5, section 17054 states that a member of the Maine State Retirement System may not have benefits subject to execution, garnishment or attachment and that a member's benefits are unassignable, except for child support, the administrators of the Maine State Retirement System believe it violative of the law if they accept a court order related to property distribution under Title 19, section 722-A or spousal support under Title 19, section 721.

The bill allowed an administrator of the Maine State Retirement System to accept and enforce a court-ordered retirement benefits division when the division ordered is incident to a divorce or judicial separation or it is necessary to satisfy a spousal support obligation.

Committee Amendment "A" (H-924): The amendment replaces the bill. It also adds an emergency preamble, an emergency clause and a fiscal note.

The amendment authorizes the Maine State Retirement System to pay some or all of the benefits otherwise payable to a member or retiree to another person if the benefits are awarded to that other person in a qualified domestic relations order. The amendment defines the elements of a qualified domestic relations order. A process is created for determination, appeal of determinations, segregation of amounts to be paid and payment of benefits to the proper parties. The retirement system is not liable to any person because of its compliance with the process and the payment of benefits as dictated by the process.

The amendment also allows the retirement system, at its discretion, to substitute a life annuity or lump-sum payment equal to the amount specified in the qualified domestic relations order.

The amendment provides that the death of the alternate payee terminates the interest of that payee in the retirement system.

The amendment makes the new process applicable to all domestic relations orders issued after the effective date of this Act, and, with the mutual consent of the parties, to any domestic relations order issued on or before the effective date of this Act. The retirement system is not obligated to begin reviewing domestic relations orders until September 1, 1992. This interim will be used to adopt emergency rules to spell out additional criteria, establish the process and develop the necessary computer capabilities to administer the law.

House Amendment "A" to Committee Amendment "A" (H-1091): The amendment resolves jurisdictional issues presented by the Committee Amendment and removes the provision governing payment of interest.

LD 1133 An Act to Amend Sentences of Imprisonment for Class A Crimes ONTP
Other Than Murder

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	ONTP	

SUMMARY

The bill decreased the term of imprisonment for a Class A crime other than murder from 40 years to 20 years.

See LD 2378 for elimination of certain minimum mandatory penalties.

LD 1498 An Act to Promote Child Safety PUBLIC 672

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OLIVER	OTP-AM	H-925

SUMMARY

The purpose of the bill was to prevent injuries and death resulting from children gaining access to improperly stored firearms. It created penalties applicable to persons who recklessly leave firearms accessible to children under the age of 16 years.

Committee Amendment "A" (H-925): The amendment replaces the bill and clarifies the title to more accurately reflect the purpose of the original bill and this amendment, which is to protect children by preventing unsupervised access to dangerous instruments such as firearms.

The amendment modifies the existing crime of endangering the welfare of a child under 16 years of age. It reduces the culpable mental state for putting the child's health, safety or welfare in danger from "knowingly" to "recklessly." The Maine Revised Statutes, Title 17-A, section 554, subsection 1 is reformatted and the 2 specifically detailed activities currently defined as endangering the welfare of a child are retained, with the current higher culpable mental state of "knowingly." Any other activity in which the child's health, safety or welfare in general is endangered is a crime if it is done recklessly.

The amendment adds to the current language outlining affirmative defenses to the crime of endangering the welfare of a child for furnishing an air rifle, firearm or ammunition to a child when the person providing it is the child's parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian and the air rifle, firearm or ammunition was provided to be used in a supervised manner.