

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 1203 An Act to Implement the Recommendations of the Maine Commission on Legal Needs

CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J GAUVREAU HOLLOWAY BRANNIGAN		H-287 S-217 MATTHEWS

SUMMARY

The bill would have implemented the recommendations of the Maine Commission on Legal Needs to the Legislature. To meet the legal needs of the poor and ensure their continued access to justice, this bill would have provided for increased staffing and increased salaries for the State's civil legal services providers, such as Pine Tree Legal Assistance, Legal Services for the Elderly and the Cumberland Legal Aid Clinic at the University of Maine School of Law. The bill would have provided increased staffing and resources to promote rural access to legal services provided by Pine Tree Legal Assistance and Legal Services for the Elderly.

Committee Amendment "A" (H-287) replaced the bill to make technical corrections to the appropriation section.

Senate Amendment "A" to Committee Amendment "A" (S-217) corrected an error in addition in the appropriation in the committee amendment.

The bill was recommitted to the Joint Standing Committee on Appropriations and Financial Affairs.

LD 1217 An Act Regarding Wrongful Death Actions

LV/MD

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

SUMMARY

The bill would have eliminated the cap on damages for wrongful death. It also would have extended the statute of limitations for wrongful death actions from 2 years to 6 years.

LD 1219 An Act Concerning Witnesses and the Integrity of the Judicial Process

INDEF PP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P GAUVREAU MILLS MAYO	OTP-AM	H-334

SUMMARY

The bill would have increased the seriousness of the crime of failure to appear or testify as a witness, for the prosecution or the defense, based on the Class of the crime for which the defendant is being tried. It would have provided an affirmative defense of just cause based on fear if communicated to the Attorney for the State before the witness fails to appear or testify. It also would have increased the Class of the crime committed against a witness in retaliation for testifying.

Committee Amendment "A" (H-334) deleted the bill's changes regarding the crime of a witness failing to appear or testify, leaving the current law intact. It clarified the language concerning enhancing the penalties for committing a crime against a witness in retaliation for participating in an official proceeding.

LD 1220 An Act to Broaden the Crime of Criminal Mischief PUBLIC 565

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
COTE PARADIS P GAUVREAU MAYO	OTP-AM	H-288

SUMMARY

The bill broadens the mental state element of aggravated criminal mischief and criminal mischief by adding the word "recklessly." As amended by the bill, each crime parallels the crime of assault.

Committee Amendment "A" (H-288) deletes the changes regarding aggravated criminal mischief, but retains the amendment to criminal mischief.

LD 1231 An Act to Facilitate and Consolidate Certain District Court Cases ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BERUBE	ONTP	

SUMMARY

The bill would have made it possible for a forcible entry and detainer action and a suit for collection of unpaid rent and damages to rental property to be combined into one judicial hearing in the District Court.

LD 1234 An Act to Allow Right of Entry for Department of Marine Resources Personnel LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
VOSE GOULD R R LOOK	LV/WD	

SUMMARY

The bill would have allowed the right of entry to gain access to the shore for Department of Marine Resources personnel under specified conditions.