

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
LEGAL AFFAIRS**

AUGUST 1991

Staff:

Deborah C. Friedman, Legislative Analyst

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

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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.

Committee Amendment "A" (S-319) reduces the fee increases in the bill so that the fees increase by 50% rather than by up to 300%, as proposed in the bill.

LD 1236 An Act Concerning Continuances Requested by Petitioners in Hearings for Operating under the Influence PUBLIC 363

SPONSOR(S) CONLEY	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED S-194
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SUMMARY

Under current law, a person accused of operating a motor vehicle while under the influence of alcohol or drugs may request a hearing before the Secretary of State, and that request stays the administrative suspension of the person's drivers' license. There is no stay of suspension, however, if the petitioner requests a delay in the hearing. This bill permits a stay of suspension if the petitioner requests a delay for good cause.

Committee Amendment "A" (S-194) permits a stay of suspension only if the delay is caused by a circumstance beyond the petitioner's control, requires the petitioner to notify the Secretary of State of the reason for the delay at least 24 hours before the scheduled hearing, and permits the petitioner to FAX the request.

LD 1237 Resolve, to Allow Martin L. Bruno to Bring Suit Against the City of Lewiston and Its Employees ONTP

SPONSOR(S) CONLEY	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

This resolve would have authorized Martin Bruno to sue the City of Lewiston for damages allegedly resulting from an automobile accident.

LD 1259 An Act to Clarify the Landlord's Handling of Abandoned Property PUBLIC 265

SPONSOR(S) MURPHY JALBERT	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-274
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SUMMARY

This bill changes the way landlords must handle property left on the rented premises by a tenant who has vacated the property. Current law provides three different procedures: one for property worth less than \$100, a second for property worth more than \$100 but less than \$1,000 and a third for property worth \$1,000 or more.

The bill provides for two procedures: one for property worth \$500 or less, and a second for property worth more than \$500. For property worth \$500 or less, the process would be the same as for property worth \$100 or less under current law. The landlord would be required to store the property in a safe, dry, secure location and to mail notice of the property to the tenant. The tenant would have 14 days to claim the property, but the landlord is permitted to condition release of the property on the tenant's payment of rent, damages and the costs of storage of the property. If the tenant does not claim the property in time, the landlord may sell the property, apply the proceeds to rent, damages and storage costs, and send the excess to the Treasurer of State.

For property worth more than \$500, the landlord would be required to store the property and notify the tenant in the same manner as for property worth \$500 or less. If the tenant does not claim the property in time, the landlord would be required to notify the Treasurer of State of the property. The Treasurer may decide to take possession of the property, or authorize the landlord to sell the property in a commercially reasonable manner, to apply the proceeds to rent, damages or storage costs and to send the excess to the Treasurer of State.

Committee Amendment "A" (H-274) adds a fiscal note to the bill.

LD 1271 An Act to Prohibit the Breaking of Glass Products in Games of Skill PUBLIC 251

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TRACY	OTP-AM	H-246
MILLS		H-265 LAWRENCE
TUPPER		
LAWRENCE		

SUMMARY

The bill prohibits games of skill that involve the breaking of glass, and makes it a Class D crime to conduct a game of skill involving the breaking of glass.

Committee Amendment "A" (H-246) adds a fiscal note to the bill.

House Amendment "A" (H-265) reduces the level of the crime from Class D to Class E.

LD 1281 Resolve, Authorizing Harvey and Rachel Desgrosseilliers to Sue the City of Auburn ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU	ONTP	
COTE		
JALBERT		

SUMMARY

This resolve would have authorized Harvey and Rachel Desgrosseilliers to sue the City of Auburn for damages resulting from their reliance on representations allegedly made by officials of the City of Auburn concerning the applicability of a zoning ordinance.

LD 1293 An Act to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance PUBLIC 521

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ANTHONY	ONTP	
CONLEY		
PARADIS P		

SUMMARY

This bill makes clear that a law enforcement officer's authority to release individuals arrested for minor crimes on their personal recognizance and to take cash deposit when authorized by the Maine Revised Statutes, Title 12 (Inland Fisheries and Wildlife officers) is not limited to the place of arrest.