

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
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*

MEMBERS:

**Sen. Jeffery N. Mills
Sen. Judy C. Kany
Sen. Charles E. Summers*

**Rep. Mark W. Lawrence
Rep. John Jalbert
Rep. Charles C. Plourde
Rep. Beverly C. Daggett
Rep. Thomas E. Poulin
Rep. Fred L. Richardson
Rep. Albert G. Stevens
Rep. Helen M. Tupper
Rep. Walter W. Hichens
Rep. Rodney V. Bowers*

**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.

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.

Arrested individuals may need to be transported away from the scene for chemical testing in OUI cases or for photographing and fingerprinting in other cases. Without this law change, an arrested individual whom the officer would release on personal recognizance may be required to go to jail or to pay a bail commissioner solely because, for one or more legitimate reasons, they left the location where the arrest took place.

The bill was mistakenly reported out of committee as ONTP, and was recalled from the legislative files and enacted by both bodies.

LD 1294 An Act to Improve the Smoke Detector Laws

PUBLIC 260

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P MILLS HICHENS	OTP-AM	H-275

SUMMARY

This bill allows the temporary disconnection of a smoke detector in a dwelling unit or common area when construction or rehabilitation activities would activate the detector or make it inactive.

Committee Amendment "A" (H-275) clarifies that a smoke detector must be reconnected at the end of each day of construction even if construction will continue on succeeding days.

LD 1298 An Act to Strengthen the Prohibition Against Illegal Transportation of Alcohol by Minors

PUBLIC 337

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BAILEY H STEVENS A PAUL	OTP-AM	H-381

SUMMARY

This bill makes it clear that the court may impose a fine in addition to a license suspension for illegal transportation of liquor by a minor. The fine may not exceed \$500, may not be less than \$200 for a 2nd offense and may not be less than \$400 for a 3rd or subsequent offense. The fine may not be suspended on 2nd and subsequent offenses.

Committee Amendment "A" (H-381) adds a fiscal note to the bill.

LD 1312 An Act to Revise Certain Provisions of the Medical Examiner Act and Provide for the Collection and Retention of Records to Identify Certain Missing Persons

PUBLIC 339

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ANTHONY ADAMS MILLS	OTP-AM	H-386

SUMMARY

This bill revises certain provisions of the Medical Examiner Act. The bill provides that the contents of written or recorded conversations evidencing suicidal intent are not accessible by the general public,