

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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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.

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,

but the Chief Medical Examiner may share the content of the communication with the family, a person addressed in the communication or the decedent's personal representative if the sharing would not compromise the investigation.

The bill gives medical examiners more freedom to use their own discretion in selecting physicians to do an autopsy, and allows the Chief Medical Examiner to give general approval to the selection without having to personally designate a specific physician in every case.

The bill requires reporting of missing persons to the Office of the Chief Medical Examiner in certain circumstances, and permits the Office to collect and maintain files and evidence on missing persons that might be needed to identify the individual if the individual is not found alive. It provides for confidentiality of the records and materials and for cooperation from government, medical and other private individuals and entities.

Committee Amendment "A" (H-386) adds a fiscal note to the bill.

LD 1319 An Act Concerning Mobile Home Parks

INDEF PP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LAWRENCE	ONTP MAJ	
MILLS	OTP-AM MIN	
MCKEEN		

SUMMARY

This bill would have required mobile home park owners to mediate or arbitrate disputes between mobile home park owners and tenants over evictions or changes in park rules or rental amounts. The park owner would not be permitted to change rules or evict a person until they had participated in mediation. The mediation would be nonbinding and the only obligation of the mobile home park owner would be to attend a requested meeting and a mediation session. If the mobile home park owner concluded that the tenants' complaints are without merit, mediation would be completed and the mobile home park owner's decision would stand. The mediation requirement would have been repealed January 1, 1993.

Committee Amendment "A" (H-525), the minority committee report, removed reference to arbitration and removed the requirement that the Manufactured Housing Board pay mediation costs for persons who are unable to pay. The amendment also required that a group of persons representing the majority of units and including at least one adult from each unit in the majority request a meeting with the park owner before the owner is required to meet and mediate. The amendment further required that homeowners and park owners participate in a voluntary mediation program offered by an organization other than the Manufactured Housing Board, before going to that board. Currently, the Manufactured Housing Association offers such a service. Finally, the amendment deleted the section making the requirement applicable only to parks with 50 or more lots.

LD 1331 An Act Regarding Sprinkler Systems in New Buildings

PUBLIC 359

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	OTP-AM	S-193
PARADIS P		
DAGGETT		

SUMMARY

This bill requires that as of January 1, 1992 sprinkler systems be installed in all hotels of more than 2 stories or other buildings more than 75 feet high.