

# 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:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<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 1409      An Act to Retain Legal Services for Debtors      ONTP**

<b>SPONSOR(S)</b> VOSE	<b>COMMITTEE REPORT</b> ONTP	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

The bill would have exempted from attachment money or property that a debtor has used to retain the services of an attorney for representation in any right of action.

**LD 1410      An Act to Prevent Financial Gain by Convicted Drug Offenders      PUBLIC 394**

<b>SPONSOR(S)</b> MELENDY CARROLL D JOSEPH MILLS	<b>COMMITTEE REPORT</b> OTP-AM	<b>AMENDMENTS ADOPTED</b> H-464
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**SUMMARY**

The bill broadens the definition of "property loss" to clarify the authority of the court to award restitution to law enforcement agencies that fail to recover "buy money" or other consideration from persons convicted of scheduled drug-related criminal violations.

Committee Amendment "A" (H-464) clarifies that "buy money" used by law enforcement officers may be recovered through restitution only if the court makes a finding that the loss of the property was specifically related to the case for which the restitution is ordered.

**LD 1430      An Act to Allow Disclosure of Litigation Information in Cases That Settle      ONTP**

<b>SPONSOR(S)</b> KILKELLY JACQUES DORE STEVENS P	<b>COMMITTEE REPORT</b> ONTP	<b>AMENDMENTS ADOPTED</b>
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**SUMMARY**

The bill would have required the release of information that may be useful to members of the public in protecting themselves from injury that may result from a public hazard that would otherwise be concealed through agreement of litigants or through court order.

**LD 1438      An Act to Exempt from Right-to-know Laws Information Contained in the Personnel File of Department of Corrections Employees      PUBLIC 281  
EMERGENCY**

<b>SPONSOR(S)</b> GILL GREENLAW MANNING	<b>COMMITTEE REPORT</b> OTP-AM	<b>AMENDMENTS ADOPTED</b> S-143
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**SUMMARY**

The bill makes confidential personal information regarding Department of Corrections employees.

Committee Amendment "A" (S-143) makes technical clarifications and adds an emergency.

**LD 1456 An Act Regarding Notice of Claim**

**ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MILLS CONLEY OTT LAWRENCE	ONTP	

**SUMMARY**

The bill would have amended the current law regarding notice of a tort claim against a governmental entity to require the governmental entity to establish that it has been prejudiced by the late filing of a notice of claim by or on behalf of the claimant. See LD 1461.

**LD 1458 An Act Relating to Court Security Personnel**

**PUBLIC 570  
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU BERUBE POULIOT COTE	OTP-AM	S-261

**SUMMARY**

The bill grants to the State Court Administrator the authority to hire as employees qualified individuals to perform court security-related services and functions.

Committee Amendment "A" (S-261) adds an emergency. It allows the Judicial Department to enter into a wider range of compensation arrangements for court security services within the counties. The amendment specifically authorizes, by transferring funds within the Department, the Department to hire qualified personnel as state employees to provide court security services in Androscoggin County.

**LD 1461 An Act Relating to the Notice of Claim Provisions of the  
Maine Tort Claims Act**

**PUBLIC 460**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU ANTHONY	OTP-AM	S-278

**SUMMARY**

The bill proposes to contravene recent Law Court decisions regarding notice under the Tort Claims Act by giving governmental officials and the insurance companies representing them a countervailing duty to notify potential claimants, who contact them regarding injuries, of the requirements of the Maine Tort Claims Act. If they fail to do so, they will be precluded from using the 180-day notice limit to stop the actions against them.

Committee Amendment "A" (S-278) replaces the bill. It waives the 180-day notice requirement under the Maine Tort Claims Act for an injured party involved in a situation in which the governmental entity or its tort liability insurer makes direct oral or written contacts with the injured person that contain or imply a promise that the damages will be covered. The contacts may be in the form of payments for damages. The contacts may be made with the injured person's personal representative or attorney. The