

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

Staff:

*Margaret J. Reinsch, Legislative Analyst
Deborah C. Friedman, Legislative Analyst
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

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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
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

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, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

The amendment provides that the death of the alternate payee terminates the interest of that payee in the retirement system.

The amendment makes the new process applicable to all domestic relations orders issued after the effective date of this Act, and, with the mutual consent of the parties, to any domestic relations order issued on or before the effective date of this Act. The retirement system is not obligated to begin reviewing domestic relations orders until September 1, 1992. This interim will be used to adopt emergency rules to spell out additional criteria, establish the process and develop the necessary computer capabilities to administer the law.

House Amendment "A" to Committee Amendment "A" (H-1091): The amendment resolves jurisdictional issues presented by the Committee Amendment and removes the provision governing payment of interest.

LD 1133 An Act to Amend Sentences of Imprisonment for Class A Crimes ONTP
Other Than Murder

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	ONTP	

SUMMARY

The bill decreased the term of imprisonment for a Class A crime other than murder from 40 years to 20 years.

See LD 2378 for elimination of certain minimum mandatory penalties.

LD 1498 An Act to Promote Child Safety PUBLIC 672

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OLIVER	OTP-AM	H-925

SUMMARY

The purpose of the bill was to prevent injuries and death resulting from children gaining access to improperly stored firearms. It created penalties applicable to persons who recklessly leave firearms accessible to children under the age of 16 years.

Committee Amendment "A" (H-925): The amendment replaces the bill and clarifies the title to more accurately reflect the purpose of the original bill and this amendment, which is to protect children by preventing unsupervised access to dangerous instruments such as firearms.

The amendment modifies the existing crime of endangering the welfare of a child under 16 years of age. It reduces the culpable mental state for putting the child's health, safety or welfare in danger from "knowingly" to "recklessly." The Maine Revised Statutes, Title 17-A, section 554, subsection 1 is reformatted and the 2 specifically detailed activities currently defined as endangering the welfare of a child are retained, with the current higher culpable mental state of "knowingly." Any other activity in which the child's health, safety or welfare in general is endangered is a crime if it is done recklessly.

The amendment adds to the current language outlining affirmative defenses to the crime of endangering the welfare of a child for furnishing an air rifle, firearm or ammunition to a child when the person providing it is the child's parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian and the air rifle, firearm or ammunition was provided to be used in a supervised manner.