

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

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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:

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.

Finally, the amendment retains the repeal of the September 30, 1992 sunset and repeals 2 sunset clauses in related legislation permitting the hiring of persons to conduct high-stakes beano and permitting the sale of Lucky seven and other sealed tickets at beano games and adds an allocation and a fiscal note to the bill.

LD 1537 An Act Relating to Sheriff's Fees for Civil Orders of Arrest

PUBLIC 498

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU JALBERT STEVENS A MILLS	OTP-AM	S-345

SUMMARY

This bill increases the fee paid to sheriffs for civil arrests and custody from \$5 to \$20 and makes clear that the costs of issuing and serving civil orders for arrests chargeable to a judgment debtor who fails to appear under the Maine Revised Statutes, Title 14, section 3135 are distinct from the fee payable to a sheriff for a civil order for arrest under Title 30-A, section 421. The bill gives the power to county commissioners to require that the fees collected under Title 30-A, section 421 be increased by the costs of social security and other withholding taxes. The bill specifies that a judgment creditor may not be awarded costs unless the creditor files an affidavit stating that the creditor has made a good faith effort to determine that the debtor has sufficient nonexempt assets and income to satisfy a judgment.

Committee Amendment "A" (S-345) deletes the provision of the bill requiring judgment creditors to make a good faith effort to determine whether judgment debtors have assets to satisfy a judgment. This amendment also makes the sheriff's fee for serving a civil order of arrest consistent in the Maine Revised Statutes, Title 14 and Title 30-A and sets the fee at \$25 plus mileage at a rate of 22¢ per mile.

LD 1547 An Act to Ensure Preservation of Burial Grounds

PUBLIC 412

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MURPHY JALBERT FARNUM	OTP-AM	H-495

SUMMARY

The bill requires excavation or construction in the area of a known burial site to comply with local ordinances, and prohibits construction or excavation within 25 feet of a known burial site or graveyard not governed by local ordinances. The bill also requires a person intending to conduct excavation or construction to notify the local building inspector and to cease work if a person suspects that the construction or excavation may disturb an undocumented burial site. The building inspector would be required to notify the Maine Historic Preservation Commission and the local historical society, who would arrange an investigation to determine if any human remains are buried in the excavation or construction area.

Finally, the bill requires municipal officers to keep a record of every burial site, including private burial sites.

Committee Amendment "A" (H-495) deletes the section of the bill requiring municipalities to keep records of every burial and to include burial sites on municipal tax maps. The amendment also clarifies references to code enforcement officers. Finally, the amendment provides for the creation of an easement for the benefit of relatives of persons interred in a family burial ground, when the land surrounding the burial ground is sold, leaving the relatives no access from a public way to the burial ground.