

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:

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.

lapsed. In this way, the determination for suspending and restoring licenses is retained by the Secretary of State's office, while the Department of Human Services maintains control of the DEEP portion of the participant's sentence. This bill also provides that DEEP participants who request a hearing must pay for the counselor's time and travel costs associated with testifying at the hearing.

Committee Amendment "A" (S-263) amends the bill to require the Secretary of State to issue a special license to a first-time operating-under-the-influence offender after the person has served the full license suspension and after the person has completed the education and assessment components of the driver education evaluation program. The special license is conditioned on the person completing the entire program within 6 months. If the person does not complete the program within 6 months, the Secretary of State may suspend the special license until the Division of Driver Education Evaluation provides written notification that the person has completed the program. The amendment requires that the Division of Driver Education Evaluation provide clear written and oral explanations to clients about their rights and responsibilities, including the availability of the special license for first-time offenders. The amendment makes clear that the special license is available only to people who commit their first operating-under-the-influence offense after the effective date of bill. The amendment adds an emergency preamble and an emergency clause to the bill.

House Amendment "A" to Committee Amendment "A" (H-634) deletes the provision of the bill allowing DHS to consider payment of counseling fees in determining whether a DEEP client has completed treatment.

LD 1648 Resolve, to Study the Structure of Law Enforcement in the State ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DUFFY JACQUES RUHLIN	ONTP	

SUMMARY

The resolve would have established the Commission to Study the Structure of Law Enforcement in the State.

LD 1654 An Act to Facilitate Criminal Enforcement of the Environmental Laws CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TREAT JACQUES GAUVREAU MARSH		

SUMMARY

The bill would clarify the existing criminal provisions of the environmental laws to facilitate the enforcement of those provisions by the State.

The bill would consolidate all the criminal provisions currently existing in the Maine Revised Statutes, Title 38, including those provisions relating to hazardous waste. It would provide culpable mental states for criminal violations under the environmental laws. The bill would raise the class of crime for violations of environmental laws other than hazardous waste from a Class E crime to a Class C crime, but would retain a general Class D violation section for conduct that violates unspecified terms and conditions of the law and licenses, permits, approvals or decisions issued by the department. The bill would simplify the hazardous waste statutes by using terms that are already defined in Title 38, rather

than defining those terms within the criminal penalty section. In addition, the bill would reduce the culpable mental state required for a conviction of a hazardous waste crime from "knowingly" to "recklessly." The bill would also amend the definition of "environmental clean-up expense".

LD 1663 An Act to Preserve the Confidentiality of Communications by Interpreters for the Deaf

PUBLIC 406

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FARNSWORTH GILL TREAT RICHARDS	OTP-AM	H-510

SUMMARY

The bill provides an interpreter who facilitates communications involving people who are deaf or hearing impaired with a privilege to refuse to disclose any communications the interpreter witnessed while interpreting. Additionally, the client of interpreting services, who may be either a deaf or hearing person, may assert the privilege against the interpreter and thereby prevent disclosure by the interpreter.

Committee Amendment "A" (H-510) replaces the bill. The amendment provides definitions of "confidential communication," "client" and "privileged interpreter." The amendment provides that a privileged interpreter may not disclose any aspect of a confidential communication facilitated by the interpreter, unless all clients privy to that communication consent to the waiver. The amendment also provides that a court, in the exercise of sound discretion, may order disclosure when it determines the disclosure necessary to the proper administration of justice.

LD 1669 An Act to Exempt Certain Medical and Juvenile Records from the Freedom of Access Law

PUBLIC 448

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GWADOSKY JACQUES	OTP-AM	H-463

SUMMARY

The bill excludes from the definition of public records medical records and reports of municipal ambulance and rescue units and other emergency medical service units. It also excludes juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter.

Committee Amendment "A" (H-463) ensures that law enforcement officers will have timely access to information held by municipal ambulance and rescue units and other emergency service units when the law enforcement officers are investigating criminal conduct.