

# 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 1672 An Act to Establish the Maine Civil Legal Services Fund****PUBLIC 503**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J	OTP-AM MAJ	H-632
GAUVREAU	ONTP MIN	
HOLLOWAY		
BRANNIGAN		

**SUMMARY**

The bill creates the Maine Civil Legal Services Fund for the purpose of providing free legal services to people of low income. The services will be provided by Pine Tree Legal Assistance, Legal Services for the Elderly and the Cumberland Legal Aid Clinic staffed by the law school.

Committee Amendment "A" (H-632) replaces the bill. It creates the Maine Civil Legal Services Fund to provide a mechanism to receive funds and prioritize distribution of funding for legal services in civil matters to people of low income. It provides for a flexible funding system, primarily based on voluntary contributions through a "negative check-off" system for lawyers. The Supreme Judicial Court is requested to establish this contribution system as part of its registration requirements for lawyers, and as an extension of the existing contribution system. The Maine Civil Legal Services Fund may include funds from other sources as well. The Supreme Judicial Court will act as the administrator of the fund, or will appoint a person or organization to act as the administrator. The administrator will allocate the money in the fund as provided in the statute. The Volunteer Lawyers Project will receive at least \$26,500 of the contributions, which is approximately the same amount as was contributed through a voluntary checkoff on bar registrations to the Volunteer Lawyers Project in 1989. Any money remaining in the fund and any additional funds will be allocated as follows: 60% to Pine Tree Legal Assistance, Inc.; 35% to Legal Services for the Elderly; and 5% to the Legal Aid Clinic of the University of Maine School of Law.

**LD 1679 An Act to Reduce the Filing Fee for Jury Trials****ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	ONTP	
PARADIS P		
MARSANO		

**SUMMARY**

The bill would have established a filing fee of \$100 for civil actions in which a jury trial is demanded and prohibits the imposition of an additional civil jury fee.

**LD 1683 An Act Concerning Children in Need of Social Services****ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BOST	ONTP	
ANTHONY		
CHONKO		
BRANNIGAN		

**SUMMARY**

The bill would have provided an opportunity for a court to review the circumstances of a child who runs away from home, refuses to obey the child's parents or guardian or fails to attend school. If the court, upon the petition of a parent or guardian, law enforcement officer or school principal, finds that the

child is in need of services the court may refer the child, or the child and the child's parents or guardian, to a juvenile caseworker for the arrangement of medical, psychological or other social services.

**LD 1686      An Act to Provide Additional Protection for Victims of  
Criminal Threatening and Terrorizing**

**PUBLIC 566**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MATTHEWS PARENT POWERS PARADIS P	OTP-AM	S-279

**SUMMARY**

The bill makes terrorizing a Class C crime and raises criminal threatening from a Class D crime to a Class C crime when the perpetrator has a history of criminal intimidation crimes or possesses a dangerous weapon. It also allows warrantless arrests in certain cases of criminal intimidation to protect the victim, similar to warrantless arrests allowed for violation of protective orders in harassment cases.

Committee Amendment "A" (S-279) replaces the bill. It provides that a law enforcement officer may, without a warrant, arrest a person for criminal threatening or terrorizing if the officer reasonably believes that the person may cause injury to others unless immediately arrested. The amendment also increases the crime of harassment from a Class E crime to a Class C crime if the person committing the harassment has at least 2 prior convictions for harassment and the victim was the same as the victim of the subsequent crime or a member of that victim's immediate family.

**LD 1700      An Act Concerning the Construction of the Maine Revised  
Statutes**

**PUBLIC 332**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARSANO GAUVREAU PARADIS P RICHARDS	OTP-AM	H-399

**SUMMARY**

The bill amends the statute governing construction of the laws to clarify that the repeal of a surplus severability clause does not indicate that a construction of nonseverability is intended and clarifies that "shall" and "must" are mandatory terms of equal weight.

Committee Amendment "A" (H-399) clarifies that the construction of "shall," "must" and "may" applies to laws enacted or amended in and after the Second Regular Session of the 114th Legislature. This rule of construction is intended to remove any ambiguity that may arise related to a drafting policy implemented by the Office of the Revisor of Statutes in 1989.