

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.

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

SPONSOR(S)
MATTHEWS
PARENT
POWERS
PARADIS P

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
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

SPONSOR(S)
MARSANO
GAUVREAU
PARADIS P
RICHARDS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
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.