

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1992

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**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.

or condition of that authorization. The amendment defined "significant" to mean that a violation of a significant term or condition is capable of affecting the discharge of hazardous waste or hazardous matter.

3. The amendment made the following a Class C crime: transporting any hazardous substance or special waste without having a required license or permit, transporting any hazardous substance or special waste to a location that does not, in fact, have a required license or permit for handling that waste, and accepting such waste for disposal or storage without a required license or permit.
4. The amendment retained the Class D classification for the hazardous waste violation of giving or handing over hazardous waste to a 3rd person who is not licensed.
5. The amendment provided for a possible maximum fine of \$25,000 for a Class D offense, an increase from the \$10,000 maximum proposed by the original bill.
6. The amendment changed the "catch-all" environmental crime provision, encompassing all environmental violations not specifically enumerated, to a Class E crime with a fine of up to \$25,000.
7. The amendment revised the language on falsification of environmental records. The amendment limited the culpable mental state to "intentionally" or "knowingly" by deleting "recklessly" from the original bill. The false statements must be material false statements to be criminal violations, which the amendment classified as Class C crimes. The amendment defined "material" to mean "capable of affecting the course or outcome of any licensing or other procedure or capable of affecting the department's ability to monitor compliance." The amendment made failure to monitor, sample, report or make information submittals as required is a Class C crime if there is intent to deceive the department.
8. The amendment changed the culpable mental state for tampering with a monitoring device from "reckless," as proposed in the original bill, to "intentional" or "knowing."
9. The amendment repealed Title 38, section 1319-T, which separately sets out criminal activity with regard to hazardous waste.

[not adopted]

See LD 2461.

**LD 1713**      **An Act to Safeguard Money Held for Minors**

PUBLIC 641

**SPONSOR(S)**

MITCHELL E  
GAUVREAU  
STEVENS P

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-876  
H-894    PARADIS P

**SUMMARY**

The bill amended the Probate Code to provide that a court may order funds or property to be held for the minor's benefit past the minor's attainment of majority and through age 25 when necessary and in the best interest of the minor.

Committee Amendment "A" (H-876): The amendment retains the requirements in the original bill that the custodian, guardian or other person holding money or other property on behalf of a minor must account to the court and the minor prior to distribution. The amendment eliminates from the bill the authority of the court to order the money or other property held beyond the minor's reaching majority. Under the

amendment, as under current law, distributions not otherwise covered by valid or enforceable wills, trusts, contracts, court-approved settlements or similar instruments must be made to the minor upon the minor reaching majority.

House Amendment "A" to Committee Amendment "A" (H-894): The amendment adds a fiscal note.

**LD 1732      An Act to Require Certain Disclosures in Adoptions and to      PUBLIC 630**  
**Provide Additional Protective Services for Children**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TITCOMB MELENDY LARRIVEE	OTP-AM	S-526

**SUMMARY**

The bill required that medical and genetic information be provided to prospective adoptive parents. Disclosure of previous serious physical, sexual or emotional abuse would also be required. The Department of Human Services would provide funds in certain circumstances to assist parents in placing children in need of services in residential child care facilities without having the department assume legal custody of the children.

Committee Amendment "A" (S-526): The amendment:

1. Deletes the financial assistance section from the bill;
2. Requires that the Department of Human Services or a licensed adoption agency must provide information that is reasonably available in addition to medical and genetic information; and
3. Requires that information regarding sexual, emotional or physical harm to the child in addition to abuse of the child be provided.

**LD 1751      An Act to Require that Restrooms are Accessible to Persons      ONTP**  
**with Disabilities (BY REQUEST)**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MILLS	ONTP	

**SUMMARY**

The bill provided that any building or facility used as a place of public accommodation or employment must have restrooms that are accessible to persons with disabilities.

**LD 1754      An Act to Increase the Penalties for Trafficking in or      ONTP**  
**Furnishing Scheduled Drugs**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
LEMKE	ONTP	

**SUMMARY**

The bill provided that a person who unlawfully trafficks in or who unlawfully furnishes scheduled drugs on or within 1,000 feet of public housing is guilty of aggravated trafficking or furnishing scheduled drugs. Aggravated trafficking or furnishing scheduled drugs is a crime one class more serious than trafficking or furnishing would be otherwise.