

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.

LD 1754

An Act to Increase the Penalties for Trafficking in or Furnishing Scheduled Drugs

CARRIED OVER

SPONSOR(S)
LEMKE

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill would provide 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.

LD 1761

An Act to Limit Liability for Participants in Recycling Programs

**PUBLIC 487
EMERGENCY**

SPONSOR(S)
RICHARDSON
LORD
CLARK N
PARADIS P

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-585

SUMMARY

To encourage participation of owners and operators of churches, hospitals, grocery stores, supermarkets, neighborhood variety stores and other private business in municipal and regional association recycling programs and to assist municipalities in meeting the state goals, this bill relieves these parties of liability for property damage and personal injury caused by the collection or separation or both of materials on their premises when these parties use containers owned or provided by a municipality or regional association, have entered into agreements with the municipality or regional association to undertake these "recycling activities" and are not receiving payment for those activities. The exception to the general rule of immunity is for willful or malicious failure to guard against a dangerous condition on the premises that is related to the recycling activities.

Committee Amendment "A" (H-585) replaces the bill. It clarifies the scope of the bill by limiting the definition of premises to the improved and unimproved lands upon which recycling activities are conducted. The owner, lessee or occupant of the premises is not liable for personal injury, death or property damage caused by recycling activities within 20 feet of the recycling containers. In addition, this amendment specifically recognizes that a container used in the provision of recycling activities is "other machinery or equipment, whether mobile or stationary," for which the municipality or regional association that owns the container is liable under the Maine Tort Claims Act. The limited liability applies only to those land owners, lessees or occupants who receive no remuneration for allowing the containers on the property. The amendment retains the emergency preamble and clause, and adds a repeal date of July 15, 1994.