

MAINE STATE LEGISLATURE

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**STATE OF MAINE
115TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS**

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
P&S XXX
RESOLVE XXX
CON RES XXX
EMERGENCY
CARRIED OVER
ONTP
LVWD
INDEF PP

FAILED EMERGENCY ENACTMENT
DIED BETWEEN BODIES
CONF CMTE UNABLE TO AGREE
VETO SUSTAINED
UNSIGNED
DIED ON ADJOURNMENT

Chapter # of enacted Public Law
Chapter # of enacted Private & Special Law
Chapter # of enacted Resolve
Chapter # of Constitutional Resolution passed by both Houses
Enacted law takes effect sooner than 90 days
Bill carried over to Special Session
Ought Not to Pass report accepted
Leave to Withdraw report accepted
Bill Indefinitely Postponed
Emergency bill failed to get 2/3 vote
House and Senate disagree; bill died
Committee of Conference formed but unable to agree
Legislature filed to override Governor's Veto
Not signed by Governor within 10 days
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.

House Amendment "A" to Committee Amendment "A" (H-1013) would have exempted duplication of a work of art under the fair use doctrine of federal copyright law from the provision requiring printers to obtain signed statements from their customers.

LD 2001 Resolve, Authorizing Zelma Rudge to Sue the State

ONTP

SPONSOR(S)

PEARSON

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This resolve would have authorized Zelma Rudge, as personal representative of the estate of her son Victor Lizzotte, to bring a civil action against the State for damages resulting from the alleged negligence of the Department of Human Services concerning the death of Victor Lizzotte.

**LD 2010 An Act to Study the Establishment of a Statewide Voter
Registration File**

P & S 94

SPONSOR(S)

MILLS

LAWRENCE

STEVENS A

PLOURDE

COMMITTEE REPORT

ONTP

OTP-AM

MAJ

MIN

AMENDMENTS ADOPTED

S-596 MIN REP

SUMMARY

The bill requires the Secretary of State to develop and implement a statewide computerized voter registration system.

The amendment replaces the bill with a provision requiring the Secretary of State to conduct a study on establishing a central voter registry. The Secretary of State will report the findings and recommendations derived from the study to the Legislature by April 1, 1993.

LD 2019 An Act to Amend the Election Laws

PUBLIC 862

SPONSOR(S)

MILLS

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1187 LAWRENCE

S-617

S-770 BRANNIGAN

SUMMARY

LD 2019 proposes several changes in the election laws, including changes that would:

1. Clarify that the municipal officers, not the nominating entities, have authority to appoint or remove members of the board of registration;
2. Require that 10 or more voters file a declaration of intent to form a new party instead of a single voter and require the new party to obtain signatures equal to 5% of the votes cast in the last gubernatorial election before the party may enroll members;
3. Limit the price registrars may charge for reproducing a voter list to the cost of reproduction;

4. Apply the same restrictions for political influence and advertising when the clerk is conducting voting for persons at licensed nursing homes, licensed congregate housing and licensed boarding homes as apply at the polling place;
5. Clarify the procedure for posting that absentee ballots will be processed after 2 p.m. on election day; and
6. Provide a penalty for a circulator of an initiative or referendum petition who knowingly misrepresents the true meaning or intent of the petition or petition process and requires circulators of a petition to convey the true meaning and the intent of the referendum or initiative while they are collecting signatures.

Committee Amendment "A" (S-617) strikes provisions of the bill that would have penalized circulators of initiative or referendum petitions who misrepresent the true meaning or intent of the petition or petition process and the provisions that require circulators of a petition to convey the true meaning or intent of the referendum or initiative and of the petition process while collecting signatures. The amendment also strikes sections of the bill permitting municipal officers to remove members of the board of registration, limiting the price registrars may charge for reproducing a voter list and requiring persons attempting to form a new political party to obtain signatures at least equal to 5% of the votes cast at the last gubernatorial election before voters can enroll in that party.

The amendment permits members of the board of voter registration who are nominated by the political parties to be members of the state or county committees of that party and requires the municipal clerk to notify the chairs of the state or county parties of the time for testing ballots and of the 2 p.m. time for starting processing of absentee ballots on election day if the clerk can not locate the chair of the municipal party committee. Finally, the amendment requires a person conducting voting at licensed nursing homes, licensed congregate housing and licensed boarding homes to designate the areas that constitute the voting booth, the guardrail enclosure and the voting place for purposes of applying the restrictions against influence and advertising.

House Amendment "C" to Committee Amendment "A" (H-1187) replaces the committee amendment's section relating to appointment of members of the board of voter registration with a provision clarifying that the municipal officers must appoint the person nominated for membership on the board of voter registration by the municipal committee of the political parties. It also permits the municipal clerk to give the municipal committees of the political parties a list of qualifications that a person should meet to fill the positions on the board of voter registration, which the municipal committee must take into consideration when making a nomination. Finally, the amendment clarifies that the appointing authority may remove a member from the board.

Senate Amendment "A" to Committee Amendment "A" (S-770) exempts the bill from the requirement that the state fund local costs resulting from the bill and strikes the fiscal note.

LD 2024 An Act to Clarify the Law Governing Contracts of Adhesion

PUBLIC 704

SPONSOR(S)
DIPIETRO

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1019

SUMMARY

The bill specifies that the protection of the law regarding unfair rental contracts applies only to residential property designed for human habitation and not to commercial leases or rental agreements.

Committee Amendment "A" (H-1019) amends the law prohibiting contracts of adhesion to permit rental agreements to include provisions for the award of attorney's fees to the prevailing party, but only after a contested hearing and only if there has been wanton disregard of the rental agreement.

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