

# 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.

**LD 2094**

**An Act to Establish a Forest Service Bureau in Each Division  
of the District Court**

PUBLIC 635

**SPONSOR(S)**

MARSH  
HOLLOWAY  
STEVENS P  
HANLEY

**COMMITTEE REPORT**

OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill provides for the establishment of a forest service bureau in each division of the District Court. Similar bureaus are already in place for other natural resource agencies with law enforcement authority. The bill allows the court to act for the bureau to settle cases when the violator wishes to waive a court appearance and plead guilty.

**LD 2104 An Act to Clarify the Scope of the Laws Governing  
Administrative Correction of Statutory Errors**

PUBLIC 639  
EMERGENCY

**SPONSOR(S)**

PARADIS P  
GAUVREAU

**COMMITTEE REPORT**

OTP

**AMENDMENTS ADOPTED**

H-880 PARADIS P

**SUMMARY**

The bill makes the necessary changes to allow the Revisor of Statutes to correct all erroneous cross-references, to allow for correction of gender-specific terms in sections being corrected and to allow for minor grammatical changes, as long as the substance and sense of the laws are not affected.

House Amendment "A" (H-880): The amendment adds a fiscal note.

**LD 2106 An Act Concerning Tribal Courts**

PUBLIC 766

**SPONSOR(S)**

CASHMAN  
LAWRENCE  
KETTERER

**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-1065  
S-622 GAUVREAU

**SUMMARY**

The bill extends the territorial jurisdiction of the Passamaquoddy and Penobscot Tribal Courts to all of the trust lands of the respective tribes, instead of just their reservations, over those criminal, civil and domestic matters that fall within the exclusive jurisdiction of the tribal courts. The bill also extends the jurisdiction of the Passamaquoddy Tribal Court to include Class D offenses committed by tribal members. In addition, the bill makes clear that the tribal courts have jurisdiction over all Class D and Class E offenses committed within Indian territory by tribal members unless the person or property of a nonmember of either tribe is the victim of the crime. Offenses committed by or against nonmembers of either tribe, or against the property of nonmembers, would continue to be brought in state courts.

Committee Amendment "A" (H-1065): The amendment replaces the bill. The amendment retains the portion of the bill that gives the Passamaquoddy Tribe the same jurisdiction over Class D crimes that the Penobscot Nation currently holds. It also retains the provisions of the bill expanding jurisdiction to so-called "victimless" Class D and Class E crimes, but provides for that jurisdiction to be repealed on September 30, 1995, the same date that jurisdiction over other Class D crimes will repeal under current law. The amendment also deletes portions of the bill that expand jurisdiction of the Tribal Court to conduct on