

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

trust lands. Finally, the amendment makes a technical change to reflect the fact that the maximum potential fine for a Class E crime was increased in 1991 from \$500 to \$1,000.

Senate Amendment "A" (S-622): The amendment clarifies that a tribal court has jurisdiction only over crimes committed on the Indian reservation served by that court, not crimes committed on either reservation.

LD 2118 An Act to Ensure Prompt Referral of Alleged Juvenile Offenders LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN	LV/WD	

SUMMARY

Current law makes it clear that a juvenile caseworker must adhere to reasonable time constraints in processing an alleged juvenile offender. There is no similar clarity about the responsibility of a law enforcement officer to notify and report to the juvenile caseworker within a reasonable time following completion of an investigation. The bill would have brought the law into more consistent conformity with the intent of the original drafters of the Maine Juvenile Code.

LD 2123 An Act to Authorize Transfer of Venue for Multiple Cases by the Chief Justice of the Superior Court PUBLIC 634

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS P	OTP	

SUMMARY

The bill allows the Chief Justice of the Superior Court to transfer venue of a number of cases at one time from one county to another. Currently, transfers must be done on a case-by-case basis.

LD 2124 An Act Regarding Recording Requirements for Proceedings Involving Real Estate PUBLIC 726

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P	OTP-AM	H-1047

SUMMARY

The bill permits the clerk of courts to sign abstracts in actions that affect title to real estate, as is done in divorce proceedings.

Committee Amendment "A" (H-1047): The amendment replaces the bill. It requires that the judgment regarding real estate be recorded in the registry of deeds and eliminates the requirement of an abstract. The information currently required to be recited in the abstract will be included in the judgment itself.

Amended in LD 2162.