

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

Staff:

*Margaret J. Reinsch, Legislative Analyst
Deborah C. Friedman, Legislative Analyst
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670*

MEMBERS:

**Sen. N. Paul Gauvreau
Sen. Georgette B. Berube
Sen. Muriel D. Holloway*

**Rep. Patrick E. Paradis
Rep. Constance D. Cote
Rep. Patricia M. Stevens
Rep. Cushman D. Anthony
Rep. Susan Farnsworth
Rep. Mary R. Cathcart
Rep. Andrew Ketterer
Rep. Dana C. Hanley
Rep. John H. Richards
Rep. David N. Ott*

**Denotes Chair*

IARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
ULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
DON CLARK
YAN M. DYTTER
BRO FLATEBO
EBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
KANE ORBETON



KAREN L. HRUBY
JILL IPPOLITI
JOHN B. KNOX
PATRICK NORTON
MARGARET J. REINSCH
PAUL J. SAUCIER
HAVEN WHITESIDE
MILA M. DWELLEY, RES. ASST.
ROY W. LENARDSON, RES. ASST.
BRET A. PRESTON, RES. ASST.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

**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 2150 An Act to Provide Broader Immunity to Licensed Facilities and Establishments Donating Food

**PUBLIC 739
EMERGENCY**

SPONSOR(S)

GILL
PENDLETON
O'DEA

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-603

SUMMARY

The purpose of this bill is to broaden the existing immunity provisions applying to persons or organizations donating food to charitable or nonprofit organizations for free distribution.

Committee Amendment "A" (S-603): The amendment replaces the bill and provides broader immunity for a narrower group of food donors than that provided in the bill. Immunity would exist for all conduct other than intentional misconduct. Only hospitals, health care facilities, restaurants and other eating establishments that are licensed by the State are eligible to receive this immunity, and the immunity only applies if the donor donates in accordance with guidelines established by the recipient organization. If there are no guidelines, or the donation does not meet the guidelines, the donor may receive the more limited immunity provided by current law.

The amendment makes the changes effective immediately.

LD 2162 An Act to Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 824
EMERGENCY**

SPONSOR(S)

GAUVREAU
PARADIS P

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-676
S-696 GAUVREAU

SUMMARY

The bill corrects format, cross-references, conflicts and other errors in the laws of Maine.

Committee Amendment "A" (S-676): The amendment strikes 25 sections from the original bill. Some of these sections are corrected and restored in Part B of this amendment. Others are deleted because they are substantive or are covered in other bills. Only technical changes are included in the bill as amended by the Committee Amendment.

Senate Amendment "A" to Committee Amendment "A" (S-696): The amendment makes corrections that are substantive changes in the law.

LD 2169 An Act to Ensure That Funds Collected from Restitution are Deposited in Interest-bearing Accounts

PUBLIC 816

SPONSOR(S)

MELENDY
CROWLEY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1112

SUMMARY

The bill requires any agency receiving payments of restitution or fines to deposit any money received in an interest-bearing account.

Committee Amendment "A" (H-1112): The amendment deletes the section of the bill requiring that District Court fines and fees be deposited in interest-bearing accounts. The amendment also changes the payment

of interest on restitution money accounts, so that the interest accrues to the State, not to the person entitled to the restitution money. The amendment also requires agencies collecting restitution money to disburse the money to the victim or other authorized claimant as quickly as possible after the agency receives the money.

The amendment also adds a fiscal note to the bill.

LD 2183 An Act to Clarify Adult Protective and Guardianship Responsibilities

PUBLIC 711

SPONSOR(S)

HOLLOWAY
GAUVREAU
PENDEXTER
GILL

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-574

SUMMARY

The bill clarifies the authority of the Department of Human Services and the Department of Mental Health and Mental Retardation under the Adult Protective Services Act to investigate when an incapacitated or dependent adult is reported to be at substantial risk of abuse, neglect or exploitation and to protect these adults at substantial risk whether or not prior abuse, neglect or exploitation has occurred.

The bill also allows designated employees of the Department of Human Services and the Department of Mental Health and Mental Retardation to represent the departments in Probate Court in uncontested conservatorship and termination of guardianship or conservatorship proceedings and also in emergency guardianship for placement in adult foster homes, boarding homes or nursing homes or for orders necessary to apply for or preserve an estate in emergency situations.

Committee Amendment "A" (S-574): The amendment adds a fiscal note.

LD 2190 An Act to Define Conflict of Interest for Probate Judges

PUBLIC 697

SPONSOR(S)

PARADIS P

COMMITTEE REPORT

OTP

AMENDMENTS ADOPTED

SUMMARY

The bill clarifies the conflict of interest created when a probate judge acting as a private attorney represents a private litigant in the court where the judge sits regularly. The bill requires that such cases will be decided in an adjoining county. The bill also prohibits a judge from acting as a lawyer in a case already pending before the judge.

LD 2194 An Act to Clarify the Law Regarding the Power of Sale Foreclosure Laws

PUBLIC 768

SPONSOR(S)

PARADIS P

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1114

SUMMARY

The bill clarifies when a power of sale is effective and avoids affecting transactions entered into prior to the effective date of the 1991 law. It also discourages a person from moving into commercial building simply to avoid the foreclosure.