

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.

Committee Amendment "A" (H-1114): The amendment makes technical changes to the bill. The bill as amended removes the restrictions on the use of a power of sale in mortgages added in 1991 because of the title problems apparently caused by retaining the language. The amendment repeals the changes made by this amendment in 1993 to give lawyers who practice in this area of the law the incentive to redraft this provision in the law and to provide adequate protection from use of the power of sale to foreclose a mortgage on a natural person's primary residence.

The amendment is not intended to affect any power of sale incorporated into a mortgage granted prior to October 1, 1991.

LD 2209 An Act Concerning Juvenile Offenders

LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J ANTHONY BUSTIN MELENDY	LV/WD	

SUMMARY

The bill distinguished those juveniles that commit crimes with a firearm or other dangerous weapon from juvenile felons whose crimes did not involve a threat with a weapon against another person. It provided that persons whose juvenile crimes are not committed with the use of a weapon are treated, with respect to gun ownership, in a manner consistent with other provisions of state law. A juvenile committing a felony would not be permitted to own or use a firearm for at least 3 years. The earliest the prohibition would be lifted would when the person becomes 18 years of age and the latest would when the person becomes 21 years of age. A juvenile committing any crime with the use of a weapon would not be able to own or use a firearm without going through the elaborate permitting process required for adults.

The bill also changed a question on the concealed firearms permit application form to make it consistent with other questions on the form.

LD 2221 An Act Pertaining to the Issuance of Orders in Domestic Abuse and Harassment Cases

PUBLIC 760
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARSANO RICHARDS CAHILL P	OTP-AM	H-1113

SUMMARY

The bill limits to the District Court the authority to issue protection orders in abuse cases. Entry of the order of protection or the consent agreement may still be done in Superior Court but issuance of the order is only done by the District Court. An order may not be entered if there is a conflicting order in effect.

Committee Amendment "A" (H-1113): The amendment replaces the bill. It revises the jurisdiction of the District Court and Superior Court regarding issuance of protection from abuse and protection from harassment orders. The amendment removes jurisdiction from the Superior Court to hear and adjudicate protection from harassment and protection from abuse cases, except that a Superior Court Justice may issue a temporary protection order. If a Superior Court Justice issues a temporary order, the case is still docketed in the District Court and all further proceedings must be conducted in the District Court.

The amendment makes more consistent the activities that can be enjoined by a temporary protection order and a permanent protection order.

The amendment also corrects a technical conflict created when 2 chapters of the Public Laws of 1989 amended the same paragraph.

LD 2223 An Act to Prevent Foreclosures on Residential Mortgages ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OLIVER CARROLL D GEAN TREAT	ONTP	

SUMMARY

The bill required that mortgagees participate in binding arbitration prior to foreclosure of mortgages of single-family, owner-occupied residences. The arbitration, performed by the State Board of Arbitration and Conciliation, would be binding on the parties and would be in favor of foreclosure only if the mortgagee shows that foreclosure will provide a greater monetary return to the mortgagee than performance of alternative obligations by the mortgagor.

LD 2232 An Act to Prevent Procurement of Controlled Substances through Fraud INDEF PP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
JOSEPH PARADIS P HANDY	OTP-AM	H-1170 H-1270 PARADIS P

SUMMARY

The bill amended the drug laws dealing with obtaining drugs by deception by incorporating language from Vermont law and adding the terms "misrepresentation," "fraud," "forgery" and "subterfuge" to the law.

Committee Amendment "A" (H-1170): The amendment replaced the bill. It strengthened the law prohibiting the acquisition of drugs by deception by defining the term "use of deception" to mean intentionally creating or reinforcing a false impression that the actor knows is not true. The amendment included a list of activities that create "false impressions."

The amendment made attempting to acquire drugs by deception the same class of crime as the successful completion of the crime.

The amendment also added definitions for terms used and used the term "scheduled drugs" as defined in the Maine Criminal Code.

The amendment deleted from the bill guidelines for practitioners regarding writing prescription drug orders. These guidelines are essentially contained in other State and federal laws as well as state pharmacy rules.

House Amendment "A" to Committee Amendment "A" (H-1270): The amendment clarified the terms of Committee Amendment "A".