

# 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.

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

| <b>SPONSOR(S)</b>                    | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b> |
|--------------------------------------|-------------------------|---------------------------|
| OLIVER<br>CARROLL D<br>GEAN<br>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

| <b>SPONSOR(S)</b>            | <b>COMMITTEE REPORT</b> | <b>AMENDMENTS ADOPTED</b>  |
|------------------------------|-------------------------|----------------------------|
| JOSEPH<br>PARADIS P<br>HANDY | OTP-AM                  | H-1170<br>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".