

# 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.

Summons and Complaint and the commencement of a civil violation through the use of a Uniform Summons and Complaint. The bill also provides a method for the violations bureau to notify the Office of the Secretary of State, Division of Motor Vehicles of suspension of operators' licenses.

Committee Amendment "A" (H-1057): The amendment restores language inadvertently repealed in 1990 permitting a court to impose reasonable costs on a defendant for failure to answer or failure to appear in court. The amendment adds language to provide consistency between the Maine Revised Statutes, Title 17-A and Title 29 with regard to the requirements for law enforcement officers filing a summons and complaint. The amendment also makes technical changes that were made incorrectly in the original bill.

**LD 2269**

**An Act to Establish Consecutive Sentencing and Mandatory Minimum Sentences for Certain Persons Convicted of Gross Sexual Assault**

ONTP-MAJ REP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
OTT	ONTP MAJ	
LAWRENCE	OTP-AM MIN	
HICHENS		

**SUMMARY**

The bill established mandatory minimum sentences for repeat offenders convicted of gross sexual assault. The bill also specified that when a person subject to a term of imprisonment for a violation of gross sexual assault is convicted of another violation of that crime, the sentences run consecutively.

Committee Amendment "A" (H-1145) - Minority Report: The amendment added a fiscal note. [not adopted]

**LD 2289**

**An Act Concerning the Needs of Out-of-control Children**

INDEF PP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ANTHONY	OTP-AM MAJ	H-1225
RICHARDS	ONTP MIN	
MURPHY		
TITCOMB		

**SUMMARY**

The bill established laws similar to the mental health involuntary commitment laws. It provided a process for a court to determine if a child under 15 years of age is out of control and unable or unwilling to receive necessary services and if a child is in need of involuntary residential placement. If the court made that determination, it could have ordered the necessary services. It required the Department of Human Services to advise the court and make recommendations with regard to the child. The bill also authorized that if a child runs away from a placement, the child may be returned to the placement.

Committee Amendment "A" (H-1225): The amendment replaced the bill. It established a new category within the jurisdiction of the child protective laws. The child protective laws, including the court's ability to order services, are expanded to cover not only children in jeopardy, but also children in need of supervision or treatment.

A child would come within the definition of being in need of supervision or treatment if that child is under 15 years of age and is without or beyond the control of the child's parents or any person responsible for the child. Being without or beyond the control of parents or others would be evidenced by serious harm or threat of serious harm, as already defined in the current child protective laws, to the child or to others.