

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

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
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

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
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.

The amendment amended the interim care provisions in the Juvenile Code to provide for the handling of juveniles under the age of 15 who meet the definition of being in need of supervision or treatment. It prohibited the holding of a juvenile in need of supervision or treatment in a jail or other secure correctional facility. When a juvenile is taken into interim care because the juvenile is in need of supervision or treatment, the Department of Human Services would be required either to take action under the child protective provisions or inform the juvenile and the juvenile's parents of the application of the child protective procedures to children in need of supervision or treatment.

The amendment also added an appropriation and a fiscal note to the bill.

LD 2290 An Act to Open State Government to Public View

PUBLIC 773

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J JOSEPH BERUBE GAUVREAU	OTP-AM	H-1111

SUMMARY

The bill ensures full accountability of governmental actions by broadening the scope of public access laws. It defines those legislative subcommittees that are subject to the open meeting provisions, clarifies when legislative documents lose their confidentiality protections, and opens legislative files to the public at the end of each legislative session. The bill also lowers the culpable state of mind that applies to the penalty for governmental officials who violate the public access laws and imposes a penalty on governmental officials who knowingly release or obtain confidential documents they are not entitled to have. The bill also opens certain government personnel records to public view, including employment applications and written decisions resolving disciplinary complaints.

Committee Amendment "A" (H-1111): The amendment clarifies the definition of legislative subcommittee and provides that legislative papers and reports remain confidential during any session to which they are carried over.

The amendment removes from the bill changes in the confidentiality of materials related to the development of positions on legislation by associations composed of government members and provisions related to confidentiality of public employee disciplinary records. The amendment also removes from the bill changes to the penalty for violation of the freedom of access laws and provisions expanding the types of persons who may be present at executive sessions related to certain employment issues.

LD 2293 An Act to Provide for Periodic Review and Modification of Child Support Orders

PUBLIC 840

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
COLLINS GAUVREAU ANTHONY HASTINGS	OTP-AM	S-654

SUMMARY

The bill enables the Department of Human Services to comply with the requirements of the federal Family Support Act of 1988, which mandates that states conduct reviews and modification of child support obligations to ensure that child support awards are compatible with state child support guidelines. The bill provides an expedited process that facilitates the ability of the Department of Human Services and