

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 Judicial Department to cope with the thousands of reviews and actions to modify child support awards that occur as a result of the federal requirements.

Committee Amendment "A" (S-654): The amendment authorizes the court to admit Department of Labor statistics regarding wages to help the court compute a parental support order. The amendment also replaces the provisions on service of the motion to modify support. The amendment also removes an example of what constitutes a meritorious defense to failing to request a hearing on an order to modify support.

LD 2315 An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders

PUBLIC 809

SPONSOR(S)

LARRIVEE
CATHCART
ESTY
OTT

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-1271

SUMMARY

The bill creates the Sex Offender Registration Act. The bill requires the Department of Public Safety, State Bureau of Identification to maintain a sex offender information registry. The department shall supply forms to all correctional facilities and inform the facilities of their duty to inform any sex offender that is sentenced to probation or is being released from prison that the person must register with the local law enforcement agency of the town in which the person intends to reside. The department shall establish rules for the implementation of this Act.

Committee Amendment "A" (H-1271): The amendment replaces the bill. It establishes the requirement that sex offenders who victimize children must register their current addresses with the State Bureau of Identification for 15 years. A juvenile is required to register only if he or she was tried and convicted as an adult. The registration requirement is waived only when the conviction or adjudication is vacated, a full and free pardon is granted, a certification of rehabilitation is issued or the sentencing court orders, for good cause shown, that the requirement be waived.

Records of criminal convictions are public information and are available from the State Bureau of Identification.

The amendment does not include any requirement to register with local law enforcement agencies or for the local law enforcement agencies to maintain a register of sex offenders residing within their jurisdictions.

The amendment adds a fiscal note to the bill.

LD 2318 An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights

PUBLIC 821

SPONSOR(S)

GAUVREAU
OTT
JACQUES

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-651

SUMMARY

The bill addresses a potential problem resulting from the Law Court's decision in Phelps v. President and Trustees of Colby College, 595 A.2d 403 (Me. 1991). Under the court's decision, the Maine civil rights

law might be inapplicable to instances when private actions by individuals forcibly interfere with the exercise of rights of free expression or when private actions by individuals physically harass individuals based on their race or ethnic background.

The bill makes the Maine civil rights law apply to such private actions. By limiting the reach of the law to interference by force or violence or the threat of force or violence, this bill provides a remedy against private parties only if those parties resort to force or the threat of force.

The bill also formally supplies the title "Maine Civil Rights Act" to the law.

Committee Amendment "A" (S-651): The amendment replaces the bill. It limits the type of situation in which the Attorney General may bring a civil action for relief to one in which the interference is by physical force or violence or threat of physical force or violence, and ensures that an aggrieved party can bring a suit on his or her own behalf for the same range of conduct that is actionable by the Attorney General.

The amendment repeals and replaces the language governing suits by aggrieved parties to make it parallel to the language applicable to Attorney General's actions.

The amendment amends the Maine Civil Rights Act to clearly state that the protections against interference with civil rights apply to actions by private parties as well as actions by governmental actors. Private actors who intentionally interfere with or attempt to interfere with constitutional or civil rights as provided in the Maine Civil Rights Act are subject to suit by the Attorney General or by the aggrieved parties. This clarification is extended to the crime of harassment based on characteristics, defined in Title 17, section 2931.

The amendment also formally supplies the title of "Maine Civil Rights Act" to the law.

**LD 2319 An Act Concerning Anatomical Gifts Under the Motor Vehicle
Laws**

PUBLIC 823

SPONSOR(S)

FOSTER
CONLEY
PARADIS P
MARSANO

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-694

SUMMARY

The bill changes the law concerning anatomical gifts. The bill repeals the language under which a person, by placing a sticker on a drivers license, indicates a willingness to make an anatomical gift upon death. Under this bill, any person seeking a drivers license or renewal will be given a form by the Secretary of State by which that person can actually make an effective gift under the Uniform Anatomical Gift Act. If the licensee makes declaration of an anatomical gift on that form, the Secretary of State will issue a license that is color coded to that licensee and include an additional code or notation certifying that such a gift has been made.

Committee Amendment "A" (S-694): The purpose of this amendment is to authorize the Secretary of State to issue an organ donor card to a licensee that will effectuate an anatomical gift when accompanied by a driver's license in the organ donor pouch. The orange "organ donor" sticker will still be available.