

# 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.

**SPONSOR(S)**ANTHONY  
KETTERER  
RICHARDS  
GAUVREAU**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-1144

**SUMMARY**

The purpose of this bill is to restore judicial discretion with regard to sentencing. Mandatory minimum terms of imprisonment are eliminated for:

1. Nonpayment of penalties for trespass to real estate;
2. Making fraudulent receipts for goods, wares or merchandise;
3. Fraudulent destruction of vessels;
4. Aiding sailors to desert;
5. Keeping or maintaining a nuisance;
6. Knowingly letting a building be used for a nuisance;
7. Dissemination of sexually explicit materials;
8. Committing a Class A, B or C crime with the use of a firearm against a person;
9. Aggravated drug trafficking or furnishing;
10. Falsely swearing or affirming to any facts required by the divorce laws;
11. Interfering with agents of the Department of Human Services in performance of their duties;
12. Injuring fences or turning animals into a railroad enclosure;
13. Being on a railroad track or bridge or entering a railroad track with a team;
14. Changing railroad switches or lights;
15. An insurer that files a false annual statement;
16. Misrepresenting or falsely stating information about fraternal benefit society insurance contracts;
17. Making a false statement to a fraternal benefit society;
18. Kindling a fire with the intent to injure another;
19. A 3rd or subsequent offense of procuring, furnishing, giving or delivering liquor to a minor;
20. Fraudulently selling or altering dentist diplomas;
21. Any other violation of the laws regulating dentists and dental hygienists;

22. Any violation of the laws regulating nurses and the practice of nursing;
23. Practicing osteopathic medicine without the proper license;
24. Practicing medicine without proper registration;
25. Intentionally interfering with property, believing that the interference will hinder or delay preparation or defense of the United States or any state; and
26. Intentionally causing defects or failing to note defects on inspection, believing that the defect will hinder or delay preparation or defense of the United States or any state.

The bill does not amend the minimum mandatory penalties for: hunting, fishing and trapping violations; operating under the influence; operating after suspension; sexual exploitation of a minor; and murder.

Committee Amendment "A" (H-1144): The amendment strikes from the bill the section that would eliminate mandatory minimum sentences in cases involving the dissemination of sexually explicit material to minors, aggravated drug trafficking or furnishing and the use of firearms.

**LD 2383      An Act to Protect Intelligence and Investigative Information      ONTP**  
**in the Custody of the Department of Corrections**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
GILL	ONTP	
MANNING		
HANLEY		
BUSTIN		

**SUMMARY**

The Department of Corrections has many records in its custody that contain intelligence and investigative information that needs to be kept confidential for one or more of the reasons set out in the Maine Revised Statutes, Title 16, section 614. The Department of Corrections does not have a specific provision in the law that covers intelligence and investigative information. This bill corrects that oversight to include the Department of Corrections in Title 16.

Included in Committee Amendment "A" to LD 2018.

**LD 2396      An Act to Clarify the Maine Juvenile Code      PUBLIC 776**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
GILL		S-634    GAUVREAU
BUSTIN		
MANNING		
HEPBURN		

**SUMMARY**

The purpose of this bill is to clarify several sections of the Maine Juvenile Code as follows.  
 [Engrossed without reference to Committee]

1. Current law allows a juvenile caseworker to release the identity of a juvenile to a victim or complainant prior to the filing of a petition but neglects to include one of the pertinent situations, specifically, when a juvenile caseworker decides that no further action is required on a complaint. This bill corrects this oversight.