

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JULY 1993

Staff:
Margaret J. Reinsch, Legislative Analyst
Julie S. Jones, Principal Analyst

Office of Policy and Legal Analysis
Room 101, State House Station 13
Augusta, ME 04333
(207)287-1670

MEMBERS:

**Sen. Gerard P. Conley, Jr.*
Sen. Georgette B. Berube
Sen. Dana C. Hanley

**Rep. Constance D. Cote*
Rep. Susan Farnsworth
Rep. Mary R. Cathcart
Rep. Andrew Ketterer
Rep. Edward L. Caron, Jr.
Rep. Sean F. Faircloth
Rep. Jane W. Saxl
Rep. David N. Ott
Rep. Sumner H. Lipman
Rep. Debra D. Plowman

**Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST
JULIE S. JONES, PRINCIPAL ANALYST
DAVID C. ELLIOTT, PRINCIPAL ANALYST
MARION HYLAN BARR
JON CLARK
LISA COPENHAVER
DEBORAH C. FRIEDMAN
MICHAEL D. HIGGINS
JILL IPPOLITI



JOHN B. KNOX
ROY W. LENARDSON
PATRICK NORTON
JANE ORBETON
MARGARET J. REINSCH
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER
DARLENE A. SHORES LYNCH, RESEARCHER
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL: (207) 287-1670
FAX (207) 287-1275

**ONE HUNDRED AND SIXTEENTH LEGISLATURE
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

JULY 1993

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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 right of the title. Various types of final action are abbreviated as follows:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>

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.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

component of this bill requires the court to consider the placement wishes of a child at least 12 years of age in making placement decisions.

Committee Amendment "A" (H-279) strikes sections of the bill shortening the review period for final protection orders and providing for a jury trial in hearings involving the termination of parental rights.

LD 214 An Act to Ensure That Interest on Lawyers' Trust Accounts Is the Property of the Clients ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CARR ONTP

SUMMARY

The bill would have required that any net interest earned on lawyers' client funds, other than retainers and advances for copies and costs, must be paid to the client. The bill would have made funding of nonprofit corporations with Interest On Lawyers' Trust Accounts (IOLTA) money illegal. The language tracks the current wording of the Maine Bar Rules.

LD 221 An Act to Clarify the Liability of Fire Chiefs ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
LORD ONTP

SUMMARY

The bill would have ensured that a fire chief would not be held liable under the Maine Tort Claims Act for merely negligent acts or omissions of the firefighters in the department or association within the course and scope of employment.

LD 227 An Act to Increase the Days on Which Protective Custody Hearings Are Held ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CASHMAN ONTP
DORE

SUMMARY

The bill would have required that courts schedule all types of child protective hearings every day that the court is in session.

LD 240 An Act to Change the Statutory Provisions Applying to the Dissemination of the Records and Reports Maintained by the State Police PUBLIC 376

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
CLUKEY OTP-AM H-618

SUMMARY

Currently, there is a specific law governing the records and reports of the Bureau of State Police that makes all of the bureau's records and reports, except certain stated ones, confidential. There is also a

general law that covers confidentiality of law enforcement records and reports. The bill repeals the law that is specific to the State Police and brings its reports and records under the general law.

Committee Amendment "A" (H-618) corrects a technical conflict created by two public law chapters amending the same law last year.

LD 246 An Act to Prevent Discrimination

VETO SUSTAINED

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
CONLEY	OTP-AM	MAJ	S-57
AMERO	ONTP	MIN	

SUMMARY

The bill would have extended to all citizens regardless of their sexual orientation the same civil rights protections now guaranteed to citizens on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Discrimination in the areas of employment, housing, public accommodations and credit would have been prohibited.

Committee Amendment "A" (S-57) added a fiscal note.

Senate Amendment "A" (S-60) would have exempted workplaces with fewer than 10 employees from the bill. Not adopted.

Senate Amendment "B" (S-61) would have provided that the protections provided by the bill do not extend to nongovernmental employers that are primarily engaged in serving minors. Not adopted.

Senate Amendment "C" (S-62) would have provided that those portions of the bill relating to the use of public accommodations are limited to discrimination against individuals and do not require that equal access to accommodations be provided to a group or organization. Not adopted.

Senate Amendment "D" (S-63) would have provided that policies or practices that have a disparate impact on persons of a particular sexual orientation are not prohibited as a result of the impact as opposed to intentional discrimination. Not adopted.

Senate Amendment "E" (S-64) would have provided that the prohibition against discrimination does not endorse behaviors or provide protection to behaviors as opposed to a status or tendency. Not adopted.

Senate Amendment "F" (S-65) would have clarified that the definition of sexual orientation that underlies the prohibition against discrimination does not include conduct or behavior. Not adopted.

Senate Amendment "G" (S-66) would have sent the following question to referendum: "Do you favor amending the Maine Human Rights Act to provide a protected class for sexual orientation?" Not adopted.

Senate Amendment "H" (S-77) would have sent the following question to referendum: "Do you favor enactment of 'An Act to Prevent Discrimination'?" Not adopted.

House Amendment "A" (H-147) is the same as Senate Amendment "G". Not adopted.

House Amendment "B" (H-149) would have prohibited discrimination against obese persons or persons who are physically unattractive. Not adopted.