

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JULY 1993

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**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&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; 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 &amp; 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.

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House Amendment "K" (H-126) would have added a referendum clause to the bill, requiring a statewide vote in November on the following question: "Do you favor the enactment of "An Act to Protect Reproductive Privacy in Maine?" Not adopted.

House Amendment "L" (H-128) would have added a referendum clause to the bill, requiring a statewide vote in November on the following question: "Do you favor the enactment of a law declaring that the State may not restrict a woman's exercise of her private decision to terminate a pregnancy before viability or after viability when necessary to protect the mother's life or health?" Not adopted.

House Amendment "M" (H-129) would have established a procedure by which the Department of Human Services can develop a health care information sheet that fully informs a woman of her choices and the services that are available to her. Not adopted.

**LD 355      An Act to Require Restitution Rather Than Incarceration for      ONTP**  
**Certain Crimes**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARSHALL	ONTP	

**SUMMARY**

The bill would have required the imposition of restitution instead of incarceration for crimes of theft that do not involve bodily injury or the use of a weapon. Restitution would be equal to 4 times the value of income-producing property and 2 times the value of property that is not income-producing property. If there is a default in payment, the offender would be returned to court for further disposition.

**LD 380      An Act to Amend the Laws Governing Visitation Rights      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
NORTON	ONTP	

**SUMMARY**

The bill would have required the court to enforce visitation rights and other rights of contact through the imposition of fines, terms of imprisonment and any other appropriate sanctions available to the court. The bill would have subjected parents making false allegations before the court to appropriate court sanctions, including the award of attorney's fees. The bill would have declared that the remarriage of one parent or a change in the membership of a household with whom a parent lives is a substantial change in circumstances.

**LD 381      An Act to Enact a New Article on Negotiable Instruments in      PUBLIC 293**  
**and to Make Necessary Conforming Amendments to the Uniform**  
**Commercial Code**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CONLEY	OTP-AM	S-191

**SUMMARY**

The bill enacts changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 3, on negotiable instruments. Part A of the bill

repeals the Maine Revised Statutes, Title 11, Article 3 and enacts a new Title 11, Article 3-A to accomplish those revisions. Part B of the bill makes necessary conforming amendments and recommended changes to the Uniform Commercial Code to provide consistency with the new Article 3-A.

Committee Amendment "A" (S-191) adds 2 changes to revised article 3 of the Uniform Commercial Code and conforming amendments adopted by the National Conference of Commissioners on Uniform State Laws. It also corrects several spelling and reference errors.

**LD 399      An Act Concerning the Determination and Modification of      ONTP**  
**Alimony Payments**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DORE	ONTP	

**SUMMARY**

The bill would have made 2 changes to the statute governing the award of alimony.

1. The bill would have added 2 factors to the list of factors the court must consider when awarding alimony. Those factors are the award of nonmarital property and the division of marital property.
2. The bill would have required courts to comply with the parties' agreement in the original award that alimony cannot be decreased.

**LD 416      An Act to Make Stalking a Crime in Maine      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CATHCART	ONTP	

**SUMMARY**

The bill would have expanded the crime of harassment to more clearly cover conduct commonly known as stalking. It also would have amended the current protection from abuse laws to include stalking in the definition of abuse and to specifically allow the court to order the defendant to refrain from following the plaintiff, or going or staying near the plaintiff's place of work or home.

See LD 1546.

**LD 430      An Act to Encourage Good Samaritan Drug and Medical Supply      ONTP**  
**Donations**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
SUMMERS	ONTP	

**SUMMARY**

The bill would have provided immunity from criminal and civil liability to a person who in good faith donates drugs or medical supplies to a nonprofit organization for distribution to needy individuals. A donor who is guilty of gross negligence or intentional misconduct would not be immune from criminal and civil liability.