

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&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

LD 945 An Act Regarding Appeal Periods in District Court Civil Cases

PUBLIC 338

EMERGENCY

SPONSOR(S)
HANLEY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-244

SUMMARY

Federal regulations promulgated on July 10, 1992 in 45 Code of Federal Regulations, Section 303.8 require a 30-day notice period and a 30-day appeal period in child support cases. In order for the State to receive federal reimbursement for child support cases, the federal regulations must be followed. To avoid confusion, this bill changes the appeal period in all District Court civil cases from 10 days to 30 days.

The Joint Standing Committee on Judiciary is charged with reviewing the Maine Revised Statutes to identify necessary statutory changes to reflect the legislative intent of creating a uniform appeal period of 30 days for all District Court civil cases.

Committee Amendment "A" (S-244) removes a requirement that the Joint Standing Committee on Judiciary review the laws relating to appeal periods and adds an allocation to the bill. The amendment also adds a fiscal note to the bill.

LD 946 An Act to Authorize Trustees to Make Trust Investments in Certain Affiliated Securities and Bonds

PUBLIC 213
EMERGENCY

SPONSOR(S)
LAWRENCE

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-135

SUMMARY

The bill authorizes trustees to invest funds in certain affiliated bonds and securities, including mutual funds. The trustee or an affiliate may only receive a single fee if it acted in a dual capacity as trustee and advisor or underwriter. Cotrustees are authorized to consent to affiliated investments. The relationship between the affiliate and the trustee must be disclosed.

Committee Amendment "A" (S-135) adds an emergency preamble and an emergency clause so that banks may continue to serve existing trust customers without interruption.

LD 951 An Act Regarding Law Court Staffing

P & S 49

SPONSOR(S)
FARNSWORTH

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-240
S-370 PEARSON

SUMMARY

Public Law 1991, chapter 855, Part A, section 322 eliminates the Appellate Division of the Workers' Compensation Commission and provides for direct appeals to the Law Court on questions of law. The bill gives the Judicial Department the authority and funds needed to hire a staff attorney to handle the increased caseload associated with workers' compensation appeals that will now be filed with the Law Court.

Committee Amendment "A" (H-240) adds the correct appropriation and fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-370) replaces the appropriation section with an allocation section.

LD 958 An Act Preventing Trial Judges from Hearing Motions for a ONTP
New Trial

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

SUMMARY

The bill would have provided that a motion for a new trial may not be heard by the judge or justice that presided at trial or imposed sentence.

LD 966 An Act to Allow for the Joint Filing for Divorce ONTP

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

SUMMARY

The bill would have allowed a couple to file a joint divorce complaint. It eliminates the need to file a summons and an answer to the complaint. It would have speeded up the hearing process for a divorce.

LD 983 An Act to Exempt Owners of Shooting Ranges from any Civil CARRIED OVER
or Criminal Action Relating to Noise Pollution

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
MARSH

SUMMARY

The bill holds owners of shooting ranges exempt and immune from civil and criminal prosecution for matters relating to noise or noise pollution at the shooting range, as long as the shooting range operates in compliance with noise control laws or ordinances in effect when the shooting range was constructed.

LD 988 An Act to Prohibit Persons from Allowing Youths to Use ONTP
Illegal Drugs

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
SWAZEY ONTP
ESTY

SUMMARY

The bill would have made it a Class E crime for a person to provide a place for a minor to use scheduled drugs or imitation scheduled drugs.