

# MAINE STATE LEGISLATURE

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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*

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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&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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**LD 1027      An Act Concerning Liens Against Certain Property for Child Support Arrearages      ONTP**

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

**SUMMARY**

The bill would have allowed the Department of Human Services to place a lien on property of a stepparent for child support arrearage if the stepparent's property has been used to secure any debts of the delinquent parent.

**LD 1028      An Act to Exclude Certain Financial Contributions from Financial Resources to Justify Deviations from Child Support Guidelines      ONTP**

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

**SUMMARY**

The bill would have exempted any financial contributions from a spouse or domestic associate beyond lodging fees from the criteria for deviating from child support guidelines.

**LD 1034      An Act to Encourage Mediation Before Litigation      ONTP**

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

**SUMMARY**

The bill would have encouraged private parties to fully negotiate their differences before filing lawsuits thus saving attorney's fees and freeing citizens and the courts from the burden of nonmeritorious lawsuits by requiring that all claims to which no governmental entity is a party be submitted to mediation.

**LD 1038      An Act Clarifying Certain Traffic Infraction Provisions of the Motor Vehicle Laws      PUBLIC 224**

**SPONSOR(S)                      COMMITTEE REPORT                      AMENDMENTS ADOPTED**  
CONLEY                      OTP-AM                      S-131

**SUMMARY**

The bill makes the following changes to the provisions governing traffic infractions in the Maine Revised Statutes, Title 29.

1. It clarifies that, although a provision of Title 29 may refer to an offense as a "civil violation," it is to be considered a "traffic infraction." This permits the proper operation of the District Court Violations Bureau.
2. It repeals the 6-month warning period that followed the effective date of the enactment of the statute requiring the use of child safety seats.

3. It repeals the 6-month warning period that followed the effective date of the enactment of the statute requiring the use of seat belts for persons at least 4 years of age but less than 19 years of age.
4. It changes the designation of the following offenses from a "civil violation," to a "traffic infraction":
  - A. The offense committed by a person drinking while driving;
  - B. The offense committed by the operation of a motor vehicle in which a child is not in a safety seat;
  - C. The offense committed by the operation of a motor vehicle in which a person at least 4 years of age but less than 19 years of age does not wear a seat belt;
  - D. The offense committed by a person less than 15 years of age who fails to wear protective headgear while riding on a motor cycle;
  - E. The offense committed by the registered owner of a motor vehicle that passes a stopped school bus; and
  - F. The offense committed by a person who abandons a motor vehicle on a public highway.

The bill also deletes the reference to fixed penalties for the violations listed above because the Title 29, section 2303, subsection 1, defines the minimum and maximum monetary penalties for a traffic infraction. The limitations in the present law may be interpreted as preventing the court from imposing a license suspension in addition to a fine as permitted under Title 29, section 2305.

Committee Amendment "A" (S-131) eliminates a technical defense that has been used in some cases when a defendant has been charged with operating after suspension. The amendment clarifies the intention of the Legislature to suspend a person's driver's license when the person does not respond to a summons for a traffic infraction.

**LD 1069      An Act to Amend the Maine Civil Rights Law Regarding  
Violations of Constitutional Rights**

PUBLIC 442

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CONLEY	OTP-AM	H-395    COTE
COTE		S-136

**SUMMARY**

The bill makes 3 changes to the civil rights laws. First, the bill provides that intentional interference with rights through damage or destruction to, tampering with or trespassing on property violates the law. Second, the bill provides for civil penalties for violations of the Maine Revised Statutes, Title 5, section 4681. Third, the bill provides that a violation of an order or injunction issued under the law constitutes a crime.

Committee Amendment "A" (S-136) removes the provisions of the bill that made a violation of an order or injunction under the civil rights laws a Class C crime if the violation resulted in bodily injury.