

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

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.

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those locations specified in the Maine Revised Statutes, Title 25, section 2959, subsection 1 as enacted in this bill could be visually inspected from the air. The bill was designed to ensure that agents or law enforcement officers focus on approved inspection locations while providing for those infrequent occasions when agents or law enforcement officers unexpectedly observe marijuana at other than approved inspection locations.

This bill would have specifically limited the altitude of the aircrafts involved in the operation. The exceptions to these limitations reflect the fact that agents and law enforcement officers generally eradicate marijuana through the use of ground personnel but occasions do arise in which remote marijuana sites are eradicated and there appears no reasonable possibility of identifying the persons responsible. The term "open field" in this bill had the same meaning as in Oliver v. United States, 466 United States 170 (1984).

The bill would have prohibited officers engaged in a marijuana eradication program from appearing as if they were engaged in a military operation.

The bill would have made it clear that any violation of the limitations enacted in this bill by any state, county or local law enforcement officer or any member of the Air National Guard would not result in the elimination of evidence at trial. Any violation of these limitations or complaints about a marijuana eradication program would have to be reported to a designated individual of the Maine Drug Enforcement Agency who would promptly investigate the complaint.

Committee Amendment "A" (H-425), part of the minority committee report, would have changed the language of the original bill by permitting rotary blade aircraft to fly below 400 feet only pursuant to a search warrant, unless the aircraft was taking off at the start of its mission, landing at the end of its mission, refueling or seeking maintenance during its mission or in exigent circumstances.

The amendment would have removed the requirement that the Maine Drug Enforcement Agency investigate every complaint about the marijuana eradication program, but if the agency were not the initial investigator, it would have had to review the findings of any state, county or local law enforcement agency investigation.

The amendment would have deleted language that would have prohibited law enforcement officers from wearing their uniforms during marijuana eradication, changed language to allow officers to possess only agency-issued firearms and deleted language so that officers could defend themselves when confronted with the imminent use of deadly force.

LD 1213 An Act Concerning Limits on Security Deposits

DIED BETWEEN BODIES

SPONSOR(S)
STEVENS K

COMMITTEE REPORT
ONTP MAJ
OTP MIN

AMENDMENTS ADOPTED

SUMMARY

This bill would have specified that an advance rent payment is part of the tenant's security deposit, since it is held to secure performance of the rental agreement. The collection of advance rent would have been limited by the current law, which limits a security deposit to 2 months' rent. Under this bill, advance rent would not have included rent collected for the next upcoming rental period, such as rent collected on the last day of a month to pay for the upcoming month. For the purposes of this definition, a "rental period" would not have exceeded one month.