

# 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&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.

4693NRG

**SPONSOR(S)**  
CAHILL

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-193

**SUMMARY**

This bill increases the classification of the crime of sexual abuse of minors to Class C if the actor administered drugs or intoxicants, including alcohol, to the minor victim. The bill also authorizes a court to order restitution to cover the costs of counseling or other mental health services for a minor victim when the offender commits gross sexual conduct, sexual abuse of minors or unlawful sexual contact.

Committee Amendment "A" (S-193) replaces the bill. It inserts for clarification purposes only that counseling services are an allowable expense of economic loss for which a court may order a defendant to pay restitution. The amendment also corrects a conflict.

**LD 1266 An Act to Allow a Casino to be Constructed by the Passamaquoddy Tribe in Calais for the Purpose of Gambling**

**CARRIED OVER**

**SPONSOR(S)**  
VOSE

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill authorizes the Passamaquoddy Tribe to operate a casino on tribal land in Calais under the terms of a tribal-state compact to be negotiated and concluded under the terms of the compact and the federal Indian Gaming Regulatory Act. This ensures that the Passamaquoddy Tribe receives the full benefits granted to other federally recognized tribes under the federal Indian Gaming Regulatory Act. The bill also authorizes the Passamaquoddy Tribe to include land in Calais as part of Passamaquoddy Indian Territory with the approval of the Calais City Council. The bill also requires that the Passamaquoddy Tribe ratify the provisions of a tribal-state compact pursuant to the terms of the federal Settlement Act.

**LD 1267 An Act to Permit the Entry of a Not Guilty Plea on Arraignment without the Physical Presence of the Defendant**

**ONTP**

**SPONSOR(S)**  
KETTERER

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have allowed a defendant who is being arraigned on a grand jury indictment to enter a plea of not guilty in writing instead of requiring the defendant to personally appear in court.

**LD 1268 An Act Regarding the Collection of Medical Payments for an Absent Parent When a Court Order Exists**

**PUBLIC 365**

**SPONSOR(S)**  
HOGLUND

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-508

**SUMMARY**

The bill requires licensed health care facilities and licensed medical practitioners to bill the proper party for medical expenses for treatment of a minor when presented with a certified court order specifying the parent or other party responsible for the child's medical expenses. The purpose of this

bill is to protect the custodial parent from having a bad credit rating or bring subject to debt collection proceedings or other adverse effects from unpaid medical bills that are not that parent's responsibility.

Committee Amendment "A" (H-508) prohibits a debt collector from reporting to a consumer reporting agency unpaid medical bills for a minor child in the name of the parent who is not the parent identified in a court order or administrative order as being responsible for medical expenses of the child if the debt collector is notified of the existence of the order. It allows for the correction of credit information based on medical bills for minor children when a support order exists.

**LD 1276      An Act to Improve the Operation of Prelitigation Screening Panels      CARRIED OVER**

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

**SUMMARY**

The bill requires the Judicial Department to retain the filing fees paid in medical malpractice cases in a separate account to pay for prelitigation screening panels.

**LD 1281      An Act Related to Sentencing for Aggravated Trafficking and Furnishing Scheduled Drugs      ONTP**

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

**SUMMARY**

The bill would have encouraged the cooperation of defendants who are convicted of aggravated trafficking or furnishing scheduled drugs by allowing a court, upon written motion of a prosecutor, to depart from statutorily set minimum terms of imprisonment to reflect a defendant's substantial assistance in the investigation or prosecution of another person who has committed a criminal offense.

**LD 1289      An Act to Prevent Diversion of Solid Waste      CARRIED OVER**

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

**SUMMARY**

The bill creates the crime of "solid waste diversion." It authorizes enforcement of municipal ordinances mandating the disposal of solid waste at specific energy generating facilities.

**LD 1300      An Act Regarding Disorderly Conduct      CARRIED OVER**

**SPONSOR(S)                      COMMITTEE REPORT                      AMENDMENTS ADOPTED**  
MARTIN J

**SUMMARY**

The bill specifies that the creation of excessive noise by agricultural machinery can be considered "loud and unreasonable noise" for purposes of the laws prohibiting disorderly conduct.