

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
LEGAL AFFAIRS

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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, 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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

15. Requires the Manufactured Housing Board to review the board's composition and function and to make recommendations for changes to the joint standing committee of the Legislature having jurisdiction over legal affairs and the joint standing committee of the Legislature having jurisdiction over housing and economic development matters no later than March 1, 1995; and
16. Requires the Manufactured Housing Board to review the Report of the National Manufactured Housing Commission and any federal legislation or law dealing with consumer protection, including but not limited to a national recovery fund. The board shall report its findings and any recommendations to the joint standing committee of the Legislature having jurisdiction over legal affairs and the joint standing committee of the Legislature having jurisdiction over housing and economic development matters no later than January 1, 1996.

Many of the issues in LD 1638, An Act to Strengthen Enforcement of Manufactured Housing Warranties, were incorporated into the committee amendment.

The amendment also adds an allocation section and a fiscal note and conforms existing law to current drafting standards.

HOUSE AMENDMENT "A" (H-992) TO COMMITTEE AMENDMENT "A" clarifies the intent of the committee amendment by specifying that written notice of a defect tolls the statute of limitations for the purpose of bringing an action related to that specific defect.

LD 1495 An Act to Amend the Laws Governing Inspection of Ballots ONTP

SPONSOR(S) DIPIETRO	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
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SUMMARY

This bill would have amended the laws concerning the inspection of ballots and incoming voting lists by candidates for municipal offices. Many of the issues in this bill were incorporated into LD 1506, An Act to Amend the Laws Governing Municipal Elections.

This bill was carried over from the First Regular Session.

LD 1506 An Act to Amend the Laws Governing Municipal Elections PUBLIC 608

SPONSOR(S) SIMONDS	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-901 H-921 BOWERS
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SUMMARY

This bill makes the following changes to municipal election law.

1. The bill changes the deadline for filing nomination papers for municipal office from 35 to 45 days before an election to allow more time for producing ballots.
2. The bill requires a candidate who wishes to withdraw from an election to notify the municipal clerk within 45 days of the election. The clerk must ensure that ballots are prepared to reflect the candidate's withdrawal.
3. The bill eliminates the requirement that absentee ballots be marked as such, making local election law identical with state election law in this regard.

4. The bill allows municipalities to reduce the size of their ballots so that they can use standard size paper.

This bill was carried over from the First Regular Session.

COMMITTEE AMENDMENT "A" (H-901) replaces the original bill and makes the following changes to municipal election laws.

1. The amendment changes the deadline for filing nomination papers for municipal office from 35 to 45 days before an election to allow more time for producing ballots. The amendment also changes the deadline for filing a petition for a local option election from 42 days to 45 days before an election.
2. The amendment requires a candidate who wishes to withdraw from an election to notify the municipal clerk at least 45 days before the election. The clerk has the discretion to accept a candidate's request for withdrawal within the 45-day period before an election. Candidates who wish to withdraw shall notify the municipal clerk in writing of their intent to withdraw and the reason for withdrawal. The notice must be signed by the candidate and notarized. The clerk must ensure that ballots are prepared to reflect the candidate's withdrawal.
3. The amendment eliminates the requirement that absentee ballots be marked as such, making local election law identical with state election law.
4. The amendment eliminates a specific ballot size requirement and allows municipalities to use paper that is uniform in size. The amendment also eliminates language that specifies exactly where ballots must be marked as "Official Ballots."
5. The amendment clarifies the laws concerning the inspection of ballots and incoming voting lists and recounts by candidates for municipal offices. The amendment lengthens the time in which a candidate must notify the clerk to request an inspection or recount, sets a new scale for requiring deposits for inspections and recounts and clarifies how time is calculated for purposes of inspections and recounts.
6. The amendment makes technical changes by correcting old references in the Maine Revised Statutes, Title 20-A and Title 28-A to reflect new references created in Title 30-A.

Many of the issues in LD 1495, An Act to Amend the Laws Governing Inspection of Ballots, were incorporated into the amendment.

HOUSE AMENDMENT "A" (H-921) TO COMMITTEE AMENDMENT "A" (H-901) requires that a candidate request a recount by filing a written request rather than by filing the notarized request required by the committee amendment.

**LD 1571 Resolve, Authorizing Charles and Rachel Dellea to Sue the
Department of Human Services for Negligence**

ONTP

SPONSOR(S)
LAWRENCE

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This resolve would have authorized Charles Dellea and Rachel Dellea, of Eliot, to sue the State for damages resulting from the alleged failure of the Department of Human Services to adequately provide services to Randy Burgess and the children of Randy Burgess and for the department's failure to file a protective custody action against Randy Burgess to remove the children from his custody.