

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&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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the right to request a hearing. The bill also clarifies that a debt due the department under Title 19, section 495 for public assistance paid out is a debt for past necessary support.

**LD 1504 Resolve, to Authorize Bonding by the Maine Court
 Facilities Authority**

INDEF PP

SPONSOR(S)
DUTREMBLE D

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-251

SUMMARY

The bill would have authorized the Maine Court Facilities Authority to draw down an additional \$7,000,000 to be used to fund the cost of constructing new facilities to replace substandard courthouses in Biddeford, Skowhegan and at other locations designated by the Maine Court Facilities Authority. In addition to renovations that are necessary to address safety and overcrowding problems, the cost of modifying existing facilities to meet mandated requirements of the federal Americans with Disabilities Act is cost-prohibitive.

Committee Amendment "A" (S-251) added a fiscal note.

See Part TTT of PL 1993, c. 410..

LD 1511 An Act to Legalize Marijuana for Medicinal Purposes

CARRIED OVER

SPONSOR(S)
LARRIVEE

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill reestablishes the Marijuana Therapeutic Research Program, administered by the Commissioner of Human Services, which was repealed December 31, 1987. The Board of Registration in Medicine must review any patient wishing to participate in the program. Participation is limited to chemotherapy or radiation therapy and glaucoma patients who are not responding to conventional treatment or who are suffering severe side effects, and any other patient when medical evidence presented to the board justifies that participation. If the board approves a patient, the patient's physician may write a prescription that can be filled at a state or privately operated licensed pharmacy designated by the board. The commissioner may obtain analyzed marijuana available from the Federal Government and deliver it to the pharmacy for dispensing to any approved patient with a written prescription from the patient's physician. The commissioner and the board are required to make an annual report to the Governor and the Legislature, enabling both the legislative branch and executive branch to monitor the program closely. This bill also defines side effects of chemotherapy or radiation therapy as "significant nausea or vomiting." The bill also repeals the provisions related to glaucoma patients on October 1, 1996.

**LD 1514 An Act to Promote Family Financial Responsibility through
 More Effective Child Support Enforcement**

CARRIED OVER

SPONSOR(S)
HARRIMAN

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill provides for the suspension of professional and driver's licenses for nonpayment of child support. It also provides for health insurance withholding orders, and deletes additional State

exemptions from attachment or garnishment. It also allows for the completion of birth certificates without addition paperwork in paternity cases.

See Part D of PL 1991, c.410.

LD 1522 An Act to Establish Limited Liability Corporations and CARRIED OVER
Set Their Tax Rate as Other Corporations

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DORE CONLEY		

SUMMARY

The bill establishes statutory language allowing the formation of limited liability companies. Part A creates a new chapter in the Maine Revised Statutes, Title 31. Part B provides conforming amendments to other chapters of the statutes and clarifies that the transfer of real property within a limited liability company is not a taxable event.

LD 1540 Resolve, Relating to Access for People with Disabilities ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
FARNSWORTH	ONTP	

SUMMARY

This resolve establishes the Persons with Disabilities Access Commission. The commission will review and compare federal and state law regarding structural and programmatic access for people with disabilities and recommend changes in Maine law to match any standards in the federal law that provide more protection and access than current state law. The goal is to ensure that compliance with the state standards will guarantee compliance with minimum federal standards.

LD 1543 An Act to Clarify the Laws Governing HIV Testing of PUBLIC 391
Sexual Offenders

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TOWNSEND G	OTP-AM	H-619

SUMMARY

Current law provides that the court may order HIV testing of convicted offenders of gross sexual assault only if the petitioner proves certain facts. The bill amends the language to clarify that if such facts are proven, the court must order the testing.

Committee "A" (H-619) clarifies that although the court must order the initial test of a sex offender, any subsequent testing may be ordered in the court's discretion. Federal law requires the court to order the initial test for the State to qualify for specific Department of Justice grants; federal law is silent as to subsequent testing.