

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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Sen. James R. Handy
Sen. Stephen E. Hall*

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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

crime. The Maine Criminal Code, Title 17-A, section 152, addresses "attempt" generally, and classifies it as one class less than the classification of the offense attempted. By removing "attempt," Title 21-A, section 860 would have been made consistent with the Maine Criminal Code with regard to attempted crimes.

COMMITTEE AMENDMENT "A" (H-830) would have clarified that unless otherwise specified, the penalties established in the Maine Revised Statutes, Title 21-A for violations of the election laws also would have applied to violations of the municipal election laws in Title 30-A.

LD 1790 An Act to Remove the Distance Requirement Relating to Replacement Agency Stores ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BENNETT	ONTP	

SUMMARY

This bill would have removed the distance requirement for replacement of a state or agency liquor store.

LD 1798 An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms PUBLIC 524 EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DAGGETT	OTP-AM	H-755

SUMMARY

The bill makes changes to the laws relating to concealed firearms permits by correcting cross-references, defining the terms "issuing authority" and "bodily injury," adding questions to the application pertaining to the good moral character of an applicant and making gender-specific changes.

COMMITTEE AMENDMENT "A" (H-755) changes references to the term "weapons" in the bill to the term "firearms," which is consistent with current law. The amendment also adds a fiscal note to the bill.

LD 1805 An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982 PUBLIC 575

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARDEN	OTP-AM	H-821 DAGGETT S-420

SUMMARY

This bill removes the requirement that the Department of the Attorney General be involved in licensure and disciplinary actions involving emergency medical personnel. Under this bill, Maine Emergency Medical Services' Board staff will be able to file complaints regarding license suspension or revocation with the Administrative Court.

The bill also provides that a conviction for a crime based on a sexual assault or on misuse or illegal use or sale of drugs or narcotics is a basis for licensure disqualification for emergency medical personnel.

COMMITTEE AMENDMENT "A" (S-420) replaces the original bill. This amendment deletes language from the original bill that removed the requirement that the Department of the Attorney General be involved in licensure and disciplinary actions involving emergency medical personnel.

The amendment adds language to provide consistency in the law by specifying that the Maine Emergency Medical Services' Board and its staff may be involved in the processes of the Maine Administrative Procedure Act.

The amendment adds to the list of reasons for emergency medical personnel licensure disqualification a conviction for a crime based on a sexual assault or misuse or illegal use or sale of drugs or narcotics.

This amendment also conforms existing law to current drafting standards and adds a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-821) TO COMMITTEE AMENDMENT "A" amends the committee amendment by repealing language in the Maine Emergency Medical Services Act of 1982. The amendment removes the requirement that the Emergency Medical Services' Board must, with approval of the Commissioner of Public Safety, set the compensation of the director of the board. The amendment adds language that requires the Governor to set the compensation of the director.

**LD 1837 An Act to Subject Motorists with Prior Out-of-state
Operating-under-the-influence Convictions to the Sentencing
Provisions of the State's Operating-under-the-influence
Laws**

PUBLIC 734

SPONSOR(S)
HANDY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-923 BOWERS
S-484

SUMMARY

This bill subjects motorists with prior out-of-state operating-under-the-influence convictions to the sentencing provisions of the State's operating-under-the-influence laws.

COMMITTEE AMENDMENT "A" (S-484) makes technical corrections and makes the Maine Revised Statutes, Title 29 consistent with the proposed changes in the original bill.

The amendment provides that prior operating-under-the-influence convictions rendered by the Penobscot Tribal Court may also be considered in sentencing for subsequent state operating-under-the-influence convictions.

The amendment also adds a fiscal note to the bill.

HOUSE AMENDMENT "A" (H-923) TO COMMITTEE AMENDMENT "A" provides that prior operating-under-the-influence convictions rendered by the Passamaquoddy Tribal Court may also be considered in sentencing for subsequent state operating-under-the-influence convictions.

**LD 1856 An Act Concerning the 1993 Apportionment of Legislative
Districts**

PUBLIC 628
EMERGENCY

SPONSOR(S)
GWADOSKY

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED
H-889 DAGGETT