

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

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1994

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
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

LD 1819 **An Act to Clarify the Sentencing Laws in Maine** ONTP

SPONSOR(S) PARADIS P	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
--------------------------------	---------------------------------	---------------------------

SUMMARY

The intent of the bill was to restore the original full range of sentencing options to the sentencing courts and to establish a standard of appellate review that is limited to a review for an abuse of discretion by the original sentencing judges. In addition, the Appellate Court in reviewing sentences would be given the right to review sentences upon appeal by the State.

LD 1836 **An Act to Enhance Criminal Penalties for Hate Crimes** ONTP

SPONSOR(S) LAWRENCE FAIRCLOTH	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
--	---------------------------------	---------------------------

SUMMARY

The bill would have enhanced criminal penalties for hate crimes. The legislation is modeled after the Wisconsin law recently upheld by the United States Supreme Court in Wisconsin v. Mitchell.

LD 1852 **An Act to Correct Errors and Inconsistencies in the Laws of
Maine** PUBLIC 680
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT OTP-AM	AMENDMENTS ADOPTED H-985 COTE S-531
-------------------	-----------------------------------	---

SUMMARY

This bill corrects technical errors and inconsistencies in the statutes.

COMMITTEE AMENDMENT "A" (S-531) makes corrections and removes provisions that are unnecessary or that may have substantive impact.

HOUSE AMENDMENT "A" (H-985) adds provisions that may have substantive impact.

LD 1859 **An Act to Allow Police Officers to Prosecute Traffic
Infractions** ONTP

SPONSOR(S) CONLEY	COMMITTEE REPORT ONTP	AMENDMENTS ADOPTED
-----------------------------	---------------------------------	---------------------------

SUMMARY

The bill would have allowed law enforcement officers to prosecute traffic infractions.