

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

AUGUST 1995

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Sen. Joan M. Pendexter  
Sen. Sean F. Faircloth*

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

federal regulation governing hours of service and record keeping, and that violation in fact causes a person's death. The amendment would have deleted sections 3 and 4 of the bill, and revised section 6 of the bill to delete the provisions concerning impoundment of vehicles. It instead would have required the Secretary of State to suspend the commercial operating license of a driver who has 3 or more violations of the hours of service or record-keeping regulations within a 12-month period. The minimum suspension would be 30 days.

**LD 401 An Act to Continue Protection Under a Protection From Abuse Order**

PUBLIC 125

**SPONSOR(S)**  
DESMOND

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-174

**SUMMARY**

This bill would have changed the duration of a protection from abuse order or approved consent agreement from a one-year limit to an indefinite period of time. It would have allowed the order to be terminated upon motion by one of the parties, if both parties agree.

COMMITTEE AMENDMENT "A" (H-174) replaces the bill. It increases the maximum length of time that an initial or subsequent protection from abuse order may be in effect from one year to 2 years. In addition, this amendment authorizes the court to continue the effect of an existing order if the plaintiff has filed a motion to extend the order upon its expiration. The order remains in effect until a hearing is held on the motion to extend, which must be within 21 days of filing the complaint.

**LD 408 An Act to Exempt Individual Retirement Accounts from Attachment**

PUBLIC 35

**SPONSOR(S)**  
NADEAU

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-55

**SUMMARY**

The purpose of this bill is to make individual retirement accounts exempt from attachment.

COMMITTEE AMENDMENT "A" (H-55) replaces the bill. It amends the exemption provisions relating to pension and similar plans to include individual retirement accounts. The amount of the exemption depends on how much is reasonably necessary for the support of the debtor and any dependent of the debtor.

**LD 410 An Act to Amend the Notice Requirements of the Maine Tort Claims Act**

ONTP

**SPONSOR(S)**  
MORRISON  
MILLS

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have waived the notice requirements of the Maine Tort Claims Act in cases when the insurance carrier for the governmental entity is in contact with the claimant or the claimant's representative during the 180-day notice period.