

# 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

**LD 648 An Act to Correct Errors and Inconsistencies in the Laws of Maine**

PUBLIC 462

EMERGENCY

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
	OTP-AM	H-638 TREAT S-332 S-362 BEGLEY S-369 MILLS

**SUMMARY**

This bill corrects errors and inconsistencies in the statutes, Public Laws, and Resolves.

COMMITTEE AMENDMENT "A" (S-322) makes corrections, adds additional sections and removes provisions that are unnecessary or that may have a substantive impact.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-638) adds provisions that may have a substantive effect.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-362) makes a technical correction.

SENATE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (S-369) reenacts a provision of the Maine Tort Claims Act concerning liability insurance coverage for employees using their own vehicles for business purposes. It carries out the intent of PL 95, c. 352 (LD 1155, Joint Standing Committee on Banking and Insurance).

**LD 658 An Act Concerning Real Estate Trusts**

CARRIED OVER

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
OTT		

**SUMMARY**

This bill proposes to provide that real estate trusts are not invalidated if a trustee is not named at the creation of the trust. The Judiciary Committee has requested the Maine State Bar Association to report back with comprehensive legislation in this issue.

**LD 663 An Act to Extend the Charitable Immunity Laws**

ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
ROTONDI	ONTP	

**SUMMARY**

This bill would have extended the charitable immunity laws to associations of municipal or other political subdivision officials or officers that are created to educate the members and to create statewide standards of conduct for the members.

**LD 668 An Act to Improve the Civil Order of Arrest Procedure**

ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MITCHELL EH	ONTP	

**SUMMARY**

Under the current civil order of arrest procedure, enforcement of money judgments often takes place where the debtor lives, making it difficult for creditors to appear on short notice. This bill would have permitted a judge or a special disclosure officer to substitute for creditors. The bill also would have