

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

AUGUST 1995

MEMBERS:

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Sen. Sean F. Faircloth*

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Rep. Frederick Moore III*

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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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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

provided that on the second arrest for the same judgment, debtors would be jailed unless they post cash bond. The jailing is not for failure to pay but for failure to appear in the first civil order of arrest process to determine why the debtor has not paid and whether the debtor is able to pay. The bill required that the debtors be warned at the first arrest that this consequence will follow.

LD 670 An Act to Extend the Medical Liability Demonstration Project Deadline by 3 Years

PUBLIC 343

SPONSOR(S)

SAXL J

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-502

SUMMARY

This bill extends the deadline of the medical liability demonstration project by 3 years. This project was established by the Bureau of Insurance and the Board of Licensure in Medicine. The bill establishes a date when an interim report is due and establishes the final report date as December 1, 2000.

COMMITTEE AMENDMENT "A" (H-502) adds a fiscal note to the bill.

LD 679 An Act to Strengthen the Laws Currently Governing the Failure to Preserve the Life of a Live Born Person

ONTP

SPONSOR(S)

AHEARNE

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have made the failure to provide treatment to a live born person a Class B crime. The bill was voted ONTP without a public hearing at the request of the sponsor.

LD 683 An Act to Clarify the Status of Sewer Districts and Refuse Disposal Districts as Special Purpose Districts under the Maine Tort Claims Act

ONTP

SPONSOR(S)

MORRISON

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have clarified by specific reference that any sewer district or refuse disposal district is a special purpose district for purposes of the application of the Maine Tort Claims Act.

LD 697 An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates

PUBLIC 128

SPONSOR(S)

AMERO

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-78

SUMMARY

This bill establishes the parameters of privilege for confidential communications between victims of domestic or family violence and advocates who provide services and counseling for the victims. The addresses of family violence shelters and safe houses are protected absolutely. Other confidential

communications and records are protected unless disclosure is needed for official proceedings concerning child abuse or the death of a victim or in other court proceedings when in camera examination of privileged information may be allowed.

COMMITTEE AMENDMENT "A" (S-78): clarifies the definition of "advocate" to exclude victim-witness advocates who work in prosecutorial agencies or law enforcement agencies; revises the exception to nondisclosure of information to cover any situation in which the disclosure is required under the child protection laws; and revises the exception to nondisclosure of information to cover any situation in which the victim is not capable of giving consent and the disclosure is required for certain investigations or proceedings.

LD 702 An Act to Amend the Maine Freedom of Access Laws ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUNKER	ONTP	

SUMMARY

This bill would have amended the freedom of access laws to clarify and simplify access to public records that are in machine-readable format. The bill would have required that custodians of public records identify and describe all machine-readable records within 3 years of the effective date of the bill and identify all those determined confidential within one year of the effective date. This bill would have required that lists describing all machine-readable records, even those determined confidential, be maintained, published and updated and be made available upon request. The Committee wrote a letter to the interested parties asking them to meet and consider whether the law needs to be amended to ensure accessibility of computer files and to consider problems with the application of the law to private organizations contracting to manage data or to advise a governmental entity.

LD 718 An Act to Amend the Law Governing Mechanic's Liens ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HANLEY	ONTP MAJ	
	OTP-AM MIN	

SUMMARY

This bill would have imposed sanctions for fraudulently filing a mechanic's lien. The owner of the property could recover the amount of the lien claimed as well as the expenses necessary to defend against and dissolve the lien. The court would dissolve the lien if it determined that good ground did not exist for the lien. The court would be required to award the penalty and reasonable expenses to the owner if the person filed the lien knowing that good ground did not exist for the lien.

COMMITTEE AMENDMENT "A" (S-97) is the Minority Report. It replaced the bill. The amendment would have specified that the penalty for fraudulently filing a lien may not exceed the amount of the lien plus actual losses resulting from the fraudulent assertion of the lien. The amendment would have given the court discretion in awarding the penalty and reasonable expenses to the owner. The amendment included a fiscal note.

LD 722 An Act to Grant Immunity from Suit for Officers and Directors of Fish and Game Clubs ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HANLEY	ONTP	