

# 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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Rep. William Lemke  
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Rep. Frederick Moore III*

**Staff:**

*Margaret J. Reinsch, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*

*\*Denotes Chair*



**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333  
Telephone (207) 287-1670  
Telecopier (207) 287-1275

**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

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**

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

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

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