

# 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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**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

**SPONSOR(S)**TREAT  
MILLS**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

H-361

**SUMMARY**

This bill adds to the protections already contained in the Maine Civil Rights Act for persons seeking services from reproductive health facilities and for persons providing services at those facilities. Specifically, the bill prohibits persons from physically obstructing ingress to or egress from a reproductive health facility; making repeated telephone calls to a facility; setting off a device releasing noxious odors; and intentionally making noise that jeopardizes the health of persons receiving reproductive health services. The current provisions of the Maine Revised Statutes, Title 5, sections 4681 and 4682 prohibit the use of violence, threat of violence, property damage and trespass with the intent of interfering with the provision or receipt of constitutionally secured reproductive health services.

COMMITTEE AMENDMENT "A" (H-361) adds to the protections contained in the Maine Civil Rights Act. Specifically, the amendment prohibits persons from intentionally interfering with another person's exercise of a constitutionally or statutorily secured right, including the right to obtain reproductive health services, through the following conduct: physically obstructing entrance to or exit from a building; making repeated telephone calls to disrupt activities in a building; setting off a device that releases noxious substances or offensive odors; and making noise, after having been warned by a police officer to cease, that endangers persons receiving health services. The amendment broadens the original bill by making the added protections applicable in all contexts rather than only to civil rights violations at physicians' offices and health clinics that provide reproductive services.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-536) would have expanded the prohibited activities to include making noise that can be heard within a building that is made with the intent to jeopardize the health of or interfere with the civil rights of any person in the building. (Not adopted)

**LD 1217** Resolve, Establishing the Study Commission on Property Rights and the Public Health, Safety and Welfare

RESOLVE 45

**SPONSOR(S)**DEXTER  
PENDEXTER**COMMITTEE REPORT**OTP-AM MAJ  
OTP-AM MIN**AMENDMENTS ADOPTED**H-601  
S-392 HANLEY**SUMMARY**

This bill would have provided a process to pay compensation to a property owner if the value of his or her property is substantially decreased because of regulations imposed by the State or political subdivisions. The procedures would be triggered only when new applications of regulations occurred. The assessment of diminution of value would be cumulative, looking at all applications on the land. There would be no cost impact to the state or governmental entity unless it chose to impose a new application of a law, regulation, rule or ordinance that reduced the value of a property by at least 50%. The calculation of the diminished value would have been determined by the trier of fact based upon a comparison of the fair market value for the property's highest and best use with the restriction and without the restriction. A property owner would have had a claim when the restriction was enacted and applicable to the property. If a variance were available to overcome the restriction, the owner would have to apply for the variance. If the variance application were rejected, the property owner's claim becomes ripe.