

# 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 1322      Resolve, Directing the Attorney General to Sue the Federal Government to Prohibit Unfunded Federal Mandates**

ONTP  
EMERGENCY

**SPONSOR(S)**  
HATHAWAY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This resolve would have directed the Attorney General to bring suit against the Federal Government regarding the issue of unfunded federal mandates.

**LD 1331      An Act Relating to Confidentiality of Records and the Prevention of Child Sexual Abuse**

CARRIED OVER

**SPONSOR(S)**  
RICHARDSON

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill proposes to provides law enforcement officials access to certain records about teachers that are in the possession of a school administrative unit if those records will assist the officials in investigating potentially criminal activity. The bill proposes to permit the Department of Human Services to release information in child protective records to certain school administrators and to the directors of organizations or state agencies that provide direct services to children, employ persons to provide direct services to children or contract with the Department of Human Services or the Department of Mental Health and Mental Retardation to provide direct services to children.

**LD 1333      An Act Concerning the Jurisdiction of the Tribal Courts of the Passamaquoddy Tribe and the Penobscot Nation**

PUBLIC 388

**SPONSOR(S)**  
MOORE

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-589

**SUMMARY**

Current law allows the Passamaquoddy Tribal Court to prosecute certain Class D crimes committed on the Passamaquoddy Reservation until September 30, 1995. This bill removes that date and extends that authority indefinitely.

COMMITTEE AMENDMENT "A" (H-589) replaces the bill, incorporating the changes intended in Legislative Documents 116 and 471. This amendment repeals Title 30, section 6209 and replaces it with 2 sections, one for the Passamaquoddy Tribal Court provisions and one for the Penobscot Tribal Court provisions. Subsequent amendments to the jurisdiction of either the Passamaquoddy Tribe's or the Penobscot Nation's jurisdiction will not have to affect the statute governing the other tribe's or nation's jurisdiction. This amendment also revises the criminal jurisdiction of the Penobscot Tribal Court to include criminal offenses for which the maximum term of imprisonment possible is one year. The maximum term under current law is less than one year. Federal law provides for the former. This amendment also amends the Penobscot Tribal Court's jurisdiction to explicitly reflect the change in federal law in response to Duro v. Reina, 495 U.S. 676 (1990). This extends the tribal court's jurisdiction over all federally recognized Indians when they commit any of the specified crimes on the Indian reservation of the Penobscot Nation. The language of the statute is revised slightly to ensure that the Passamaquoddy Tribal Court has jurisdiction over the domestic relations proceedings when both parties reside "within," rather than "on," the reservation.

The bill as amended is not effective until both the Passamaquoddy Tribe and the Penobscot Nation approve it.