

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:

**Sen. S. Peter Mills
Sen. Joan M. Pendexter
Sen. Sean F. Faircloth*

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Rep. Debra D. Plowman
Rep. Robert R. Hartnett
Rep. David R. Madore
Rep. Richard A. Nass
Rep. Frederick Moore III*

Staff:

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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:

CARRIED OVER	<i>Bill carried over to Second Session</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
CONF CMTE UNABLE TO AGREE	<i>Committee of Conference unable to agree; bill died</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
DIED ON ADJOURNMENT	<i>Action incomplete when session ended; bill died</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
FAILED EMERGENCY ENACTMENT	<i>Emergency bill failed to get 2/3 vote</i>
FAILED ENACTMENT	<i>Bill failed to get majority vote</i>
FAILED MANDATE ENACTMENT	<i>Bill imposing local mandate failed to get 2/3 vote</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
ONTP	<i>Ought Not to Pass report accepted</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
VETO SUSTAINED	<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 1497 An Act to Clarify the Operations of the Maine Board of Bar Examiners

PUBLIC 279

SPONSOR(S)
PLOWMAN

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill repeals the requirement that the board of bar examiners submit its budgetary requirements to the Chief Justice of the Supreme Judicial Court and that the Chief Justice in turn submit these requirements to the Bureau of the Budget.

LD 1500 An Act to Reduce Theft in the Forest Products Industry

PUBLIC 450

SPONSOR(S)
WHITCOMB

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-612

SUMMARY

This bill would have provided that if a landowner brings a civil action against a person who cuts down that landowner's timber, valued in excess of \$1,000, the State must participate as an interested party. The bill also would have required the State to bring a civil action against a person who cuts down another person's timber valued in excess of \$1,000 and would have provided that any damages recovered be turned over to the landowner. The bill would have required the Attorney General to prosecute allegations of theft of timber if the value of the timber exceeds \$1,000 and would have directed the Attorney General to seek restitution.

COMMITTEE AMENDMENT "A" (H-612) replaces the bill. It revises the standards and procedures by which a property owner may measure and recover damages from a person who destroys or damages or removes trees, agricultural products, or survey markers. Several sections of current law are repealed and consolidated into the repealed and replaced Maine Revised Statutes, Title 14, section 7552.

LD 1515 An Act Authorizing the Judicial Supervision of the Disclosure of Utility Records to the Attorney General

PUBLIC 327

SPONSOR(S)
THOMPSON

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-384

SUMMARY

This bill expands the ability of the Attorney General and district attorneys, with the approval of a justice or judge, to acquire records from a broader range of public utilities than is authorized under current law. Under current law, prosecutors may, with prior approval of the court, acquire telephone or telegraph utility records if needed for a criminal investigation. Under current law, prosecutors may obtain all other utility records through the use of a grand jury subpoena. This bill creates a uniform, predictable procedure concerning prior judicial review for acquiring records from all utilities. This bill also affirmatively empowers the court to issue orders relating to telephone "trap and trace" and telephone "pen registers."

COMMITTEE AMENDMENT "A" (H-384) clarifies that the judge is required to approve the demand of the Attorney General upon a showing of good cause. The amendment also adds a fiscal note to the bill.