

# 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

International adoptions that comply with federal and international adoption laws are deemed to be in compliance with these requirements.

This amendment also adds a fiscal note to the bill.

**LD 1523**      **An Act Requiring that Certain Nonprofit Corporations Provide  
for the Disposal of Assets**      PUBLIC 300

<b>SPONSOR(S)</b> BENEDIKT	<b>COMMITTEE REPORT</b> OTP-AM	<b>AMENDMENTS ADOPTED</b> H-430
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**SUMMARY**

This bill requires that the bylaws of certain nonprofit corporations must include provisions for the disposal of assets upon dissolution.

COMMITTEE AMENDMENT "A" (H-430) limits this requirement to domestic corporations. The amendment also removes the requirement that the Secretary of State notify all existing nonprofit corporations of this requirement.

**LD 1525**      **An Act to Increase Access to Public Information**      ONTP

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

This bill would have made the following changes to the laws governing access to public records.

The bill would have provide that only records and materials involved in academic testing and research and those otherwise made confidential by law may be kept confidential by the Maine Maritime Academy, the Maine Technical College System and the University of Maine System.

The bill would have provide for the timely inspection or recording of public information and the provision of electronic data in a readily usable form.

The bill would have repealed the requirement of advance payment for the mechanical or electronic translation of data and provides for the translation of electronic data without cost when that translation can be made without having to furnish any materials, equipment or services of personnel who are not state employees to the individual making the request.

The bill would have provided that any body, agency or official that wrongfully denies an individual access to public information would be required pay that individual's reasonable attorney's fees and court costs.

See also LD 702.

**LD 1526**      **An Act to Allow Involuntary Commitments at Hospitals  
under Contract with the Department of Mental Health and  
Mental Retardation**      PUBLIC 496

<b>SPONSOR(S)</b> DORE	<b>COMMITTEE REPORT</b> OTP-AM	<b>AMENDMENTS ADOPTED</b> H-563
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**SUMMARY**

This bill amends the current civil commitment law to facilitate the admission of involuntary patients to hospitals that are under contract with the Department of Mental Health and Mental Retardation. The bill also makes technical changes.

COMMITTEE AMENDMENT "A" (H-563) corrects a typographical error and adds a fiscal note to the bill.

**LD 1545 An Act to Update and Clarify the Corporate Laws**

PUBLIC 458

**SPONSOR(S)**  
MILLS

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-295

**SUMMARY**

This bill amends the laws governing business entities in several ways to make the laws consistent and easier to administer.

COMMITTEE AMENDMENT "A" (S-295) clarifies language contained in the original bill.

The Secretary of State may accept for filing a letter explaining the franchise relationship between the entity controlling the corporation mark or name and the corporation attempting to file to use that name or mark to transact business in the State. The Secretary of State will not charge a fee for filing the letter. This is consistent with the bill and with current law. This amendment also deletes a reference to a franchise relationship existing "per se."

This amendment clarifies when and how the articles of a nonprofit corporation may be amended before it is actually incorporated.

This amendment revises the language allowing a limited liability company to choose to not limit the liability of its members. This may be preferable based on the tax consequences of other organizational choices of the limited liability company. The procedure allowing this choice does not preclude a member of the limited liability company from voluntarily acting as guarantor or surety, providing collateral or otherwise assuming responsibility for debts, obligations and liabilities of the limited liability company.

**LD 1552 An Act Concerning the Sites for Western Aroostook District Court**

PUBLIC 330

**SPONSOR(S)**  
MILLS

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-226

**SUMMARY**

This bill removes Van Buren as a site at which the Western Aroostook District Court must be held.

COMMITTEE AMENDMENT "A" (S-226) adds a fiscal note to the bill.

**LD 1569 Resolve, Prohibiting the Maine Court Facilities Authority from Locating Court Facilities upon Certain Property**

ONTP

**SPONSOR(S)**  
KERR  
TUTTLE

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**