

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
118TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**JULY 1997**

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*Sen. Lloyd P. LaFountain III*

*Sen. John W. Benoit*

*Rep. Richard H. Thompson, Chair*

*Rep. Elizabeth Watson*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**August 1997**

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla](http://www.state.me.us/legis/opla)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

<i>CARRIED OVER</i> .....	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i> .....	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i> .....	<i>Committee report Ought To Pass In New Draft/New Title</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 finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

*David E. Boulter, Director*  
 Offices Located in the State House, Rooms 101/107/135

Senate Amendment "A" (S-13 ) proposed to make technical corrections.

*Enacted law summary*

Public Law 1997, chapter 18 amends the fee schedule for probate filings.

**LD 435**                      **An Act to Amend the Entry and Detainer Law as It Relates to Occupancy Incidental to Short-term Employment**                      **ONTP**

<u>Sponsor(s)</u> LAYTON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 435 proposed to provide separate eviction procedures when residential occupancy is incidental to short-term or seasonal employment and the employment relationship has ended.

**LD 444**                      **An Act to Establish the Maximum and Minimum Number of Grand Jurors to Be Summoned and Impaneled**                      **ONTP**

<u>Sponsor(s)</u> POVICH		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 444 proposed to require that the grand jury consist of not less than 13 nor more than 23 jurors.

**LD 453**                      **An Act to Give District Attorneys the Option of Appearing in Civil Proceedings**                      **ONTP**

<u>Sponsor(s)</u> CLUKEY		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 453 proposed to give district attorneys discretion as to whether to appear in all actions and civil proceedings in which any county within the district is a party or is interested, or in which the official acts of the county commissioners are called into question, or when requested by the commissioners.

**LD 457**                      **An Act to Discourage Frivolous Lawsuits by Prisoners**                      **PUBLIC 75**

<u>Sponsor(s)</u> CLUKEY KIEFFER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-80
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LD 457, modeled after certain provisions of the Federal Prison Litigation Reform Act of 1995, proposed to discourage frivolous litigation by prisoners by striking the current system of waiver of the court filing fee for a prisoner proceeding in forma pauperis and enacting a system of waiver of prepayment of the filing fee.

**Committee Amendment "A" (H-80)** proposed to clarify provisions about prisoner facility accounts and nonfrivolous actions filed in good faith. The amendment also proposed to provide immunity for governmental employees based on compliance or noncompliance with this law.

*Enacted law summary*

Public Law 1997, chapter 75 discourages frivolous litigation by prisoners, including, but not limited to, civil rights suits, tort claims and petitions for judicial review of final agency action, by striking the current system of waiver of the court filing fee for a prisoner proceeding in forma pauperis and enacting a system of waiver of prepayment of the filing fee. A prisoner, as funds are available, must pay the filing fee in installments until it is fully paid. Damages awarded as a result of prisoner litigation must be applied first to the payment of any outstanding restitution orders and the victims must be notified of the impending payment of such damages. Chapter 75 provides civil immunity to governmental employees who comply with the law, and also to those who fail to comply with the specific requirements.

**LD 475                      RESOLUTION, Proposing an Amendment to the Constitution of                      ONTP**  
**Maine to Affirm the Rights to Private Property**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	ONTP      MAJ OTP-AM    MIN	

LD 475, a constitutional resolution, proposed to amend the Maine Constitution to strengthen the rights of individuals to private property.

**Committee Amendment "A" (H-510)** (Minority Report) proposed to add a fiscal note.

**LD 476                      An Act to Require the Forfeiture of Any Proceeds of Prostitution                      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER C FERGUSON	ONTP	

LD 476 proposed to amend the law relating to asset forfeitures to provide that money and other items of value paid or intended to be paid to purchase or facilitate prostitution are subject to forfeiture to the State.