

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
Judiciary

BILL SUMMARY



JULY, 1983

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Judiciary Committee

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485 AN ACT CONCERNING COURT PROCEDURES Bell INDEF.PP
DEALING WITH NOTICE IN LIABILITY
CASES

SUMMARY: Current law provides that when a plaintiff recovers a judgment against a defendant, the plaintiff may seek, in a civil action, to have the defendant's insurance company pay the judgment when the insurance company did not participate in the original law suit. To bring this action against the insurance company the plaintiff must show that when the original right of action occurred against the defendant, the defendant was insured against the liability, and that before recovery of the judgment the insurance company had notice of the injury, accident, or damage. This bill sought to add a requirement that the plaintiff show that the insurance company had received notice of the service of the original complaint upon its insured, the defendant, in the original action. The purpose of this proposal was to assure that the insurance company knew of the original law suit so that it could have an opportunity to participate.

536 AN ACT ESTABLISHING A COMMISSION Ketover LV/WD
TO STUDY THE DEFENSE OF INSANITY
AND THE TREATMENT OF PERSONS AD-
JUDGED NOT GUILTY BY REASON OF
INSANITY

SUMMARY: Sought to create a commission to study Maine's insanity defense to determine if current criminal law providing for an insanity defense and current law providing for the commitment, treatment and release of persons found not guilty of a crime by reason of insanity adequately address problems of protection of society and protection of the rights of the person found insane. The Committee determined, during its work on this and related bills, that Maine's insanity defense and treatment of the criminally insane are already addressing these difficult problems in an enlightened manner.

577 AN ACT TO IMPROVE ACCESS TO SMALL Martin,J. PL 1983, c. 548
CLAIMS COURT

SUMMARY: Requires District Court to be available for Small Claims Court Hearings and filing of claims at least one evening hour each month.

579 AN ACT RELATING TO INSANITY AS A Lewis LV/WD
DEFENSE IN CRIMINAL PROCEEDINGS

SUMMARY: Sought to remove from Maine law the use of an insanity defense as an excuse to otherwise criminal conduct. This bill permitted consideration of mental illness by the judge at the time of sentencing in determining whether the convicted person should receive treatment during the time of his criminal punishment. The Committee felt that such a change in Maine law was not justified.