

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



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1546 AN ACT TO AUTHORIZE COURT AP- Kelleher PL 1983, c. 454
POINTED RECEIVERS

SUMMARY: Provides a mechanism for continuing the operation of a long-term care facility whose operators have demonstrated an unwillingness or inability to comply with state licensing standards. Long term care facilities include boarding homes and nursing homes. Provides the department with an alternative to the issuance of a conditional license, which requires the operator to make needed corrections, and to the revocation of a facility's license. It is a remedy of last resort before closing the facility.

Authorizes receivership proceedings to be brought by the Commissioner or acting commissioner of Department of Human Services when the welfare of facility residents is in jeopardy. Court hearings must be conducted within 10 days of a petition for receivership. Ex parte proceedings may be held only in the event of an emergency.

The court may appoint any responsible person, other than a state employee, to be the receiver. The receiver is allowed to operate the facility essentially as an owner under court supervision.

1575 AN ACT TO CREATE A STATUTORY WILL Paradis PL 1983, c. 376
(new draft LD
380)

SUMMARY: Creates a statutory will. It creates a simple will form written in plain English designed for use in uncomplicated situations.

1578 AN ACT RELATING TO VICTIMS' BILL McGowan PL 1983, c. 352
OF RIGHTS (new draft LD
782)

SUMMARY: Makes tampering with a victim a Class B crime; removes a provision in current law stating that the person seeking to cause a witness, informant, or victim to withhold information is only committing a crime if that person knows the person with the information is not privileged to withhold it; gives the victim a right to be heard when the convicted defendant is sentenced; generally requires the court to investigate the possibility of restitution and state why if it is not ordered; permits 25% of an inmate's income to be deducted for restitution; encourages each county to establish a victim and witness support program.

1595 AN ACT CONCERNING THE ADMISSI- Nelson PL 1983, c. 411
BILITY IN CRIMINAL PROCEEDINGS OF (new draft LD
STATEMENTS BY MINORS DESCRIBING 578)
SEXUAL CONTACT

SUMMARY: Allows a minor to testify out-of-court to incidents involving sexual contact if necessary to prevent further trauma to the minor. The defendant is given the same rights to examine and cross-examine the witness and the testimony is recorded stenographically, on videotape, or by other court approved methods.