

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>

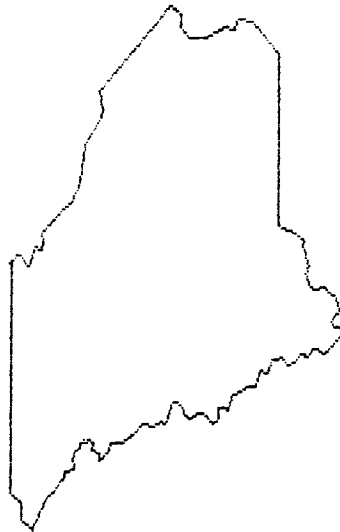


Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
ONE HUNDRED AND ELEVENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
Judiciary

BILL SUMMARY



JULY, 1983

Prepared by:

John R. Selser, Legislative Counsel
and
Martha E. Freeman, Legislative Counsel
Judiciary Committee

Office of Legislative Assistants
State House, Station 13 Augusta, Maine 04333
(207) 289-2486

1596 AN ACT TO PROVIDE A STATEMENT OF BIRTH PARENTS' IDENTITY FOR ADOPTEES Soule PL 1983, c. 356 (new draft LD 479)

SUMMARY: Permits adopted persons to obtain an official statement from the state identifying their birth parents, upon adequate proof, if the adoptee lived with the birth parents for at least 5 years.

1616 AN ACT CONCERNING RECORDS OF ARRESTS OF CRIMINAL OFFENDERS Trafton PL 1983, c. 377 (new draft LD 877)

SUMMARY: Requires criminal justice agencies that maintain facilities for pretrial detention to keep records of arrest concerning the identity of an arrested person, the offense charged, the time, place, and circumstances of arrest. It also specifies the time and method of recording, and states that these are public records unless a juvenile is the arrested person.

1646 AN ACT TO PROVIDE EQUAL ACCESS TO JUSTICE Clark, N. NEITHER SIGNED NCR VETOED (new draft LD 625)

SUMMARY: Provides that the prevailing private party in certain civil court actions begun on or after July 1, 1984 in which the State is an opposing party may be awarded reasonable attorneys' fees and expenses, not to exceed \$10,000, if that private party shows that the State's position was not substantially justified. This does not apply to class actions or to civil actions involving the Tort Claims Act, rate-fixing or license grants, denials or revocations, reviews, or attorneys' fees already provided for by statute. For a business entity to avail itself of this ability to seek attorneys' fees and expenses from the State the entity must be one employing less than 100 people. The Attorney General must report annually to the Legislature on the number and amount of awards made against the State under this Act. The Act also has a sunset provision as of July 1, 1988.

1655 AN ACT CONCERNING REPRESENTATION OF SMALL BUSINESSES APPEARING IN SMALL CLAIMS COURT Sewall PL 1983, c. 420 (new draft LD 1215)

SUMMARY: Changes the statute concerning unauthorized practice of law to permit non-attorney officers or employees of sole proprietorships to practice before a court when they are representing the organization in a small claims action. Current law only permits officers or employees of corporations, partnerships, or governmental entities to engage in this practice. The Maine Court Rules of Small Claims Procedure also only refer to permissible representation by a non-attorney when a corporation, partnership, or governmental entity is involved. It is hoped that these court rules will be changed to coincide with the change in the unauthorized practice of law statute concerning sole proprietorships.