

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
JUDICIARY  
BILL SUMMARY



JULY, 1985

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ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JULY 1985

This document is a compilation of the bill summaries prepared by this office for the Joint Standing Committees of the Maine Legislature, covering the First Regular Session of the 112th Legislature. The summaries are arranged by LD number and indexed separately by committee.

LD: 1036 AN ACT CONCERNING PRETRIAL DETERMINATION OF OWNERSHIP OF PERSONAL PROPERTY BROWN A  
USHER  
DIAMOND G

LU-WD HOUSE Accepted Committee Report  
SENATE Accepted Committee Report  
GOV

SUMMARY:

Sought to enact a new court procedure to determine ownership of property, in the possession of state or municipal agencies, being used in court proceedings (e.g., stolen goods). Provided for a Superior Court determination returning property to its owner, establishing conditions for continued agency use, forfeiting property, or permitting sale of the property where the owner is unknown.

LD: 1065 AN ACT TO AMEND CERTAIN PROVISIONS OF THE LAWS PERTAINING TO CHILD SUPPORT CARPENTER  
CHALMERS  
PRIEST  
FOSTER

LU-WD HOUSE Accepted Committee Report  
SENATE Accepted Committee Report  
GOV

SUMMARY:

Current law in Maine pertaining to child support payments requires child support to terminate when a minor child attains the age of 18 years whether or not the child has finished high school. This sought to allow a court to order support payments for a child of divorced or separated parents, in an appropriate situation, to continue until the child finished high school even if the child had already attained his 19th birthday.

LD: 1069 AN ACT TO AMEND AND CLARIFY THE MAINE JUVENILE CODE PRIEST  
CHALMERS  
LEBOWITZ  
COOPER

OTP-AM HOUSE Enacted  
SENATE Enacted  
GOV SIGNED PUBLIC  
CH # 439

H-406 CA H S

SUMMARY:

Is the end product of four different pieces of legislation seeking to amend the Maine Juvenile Code, Maine Revised Statutes, Title 15, Part 6:

1. L.D. 1069, a bill submitted by the Department of Corrections (drafted by the Juvenile Justice Advisory Group (JJAG)), changes the Juvenile Code to facilitate the eventual removal of juveniles from county jails.

2. L.D. 1185, a bill submitted by the Department of Corrections, reflects the change from intake workers and juvenile probation officers to juvenile caseworkers.

3. L.D. 563, a bill submitted on behalf of the Department of the Attorney General, authorizes the Attorney General and his assistants to act as juvenile caseworkers in all juvenile cases, such as those involving homicide, investigated by the Attorney General.

4. A proposal from the Department of Human Services insures that the Maine Juvenile Code complies with the Federal Adoption Assistance and Child Welfare Act of 1980.

All of these proposals are incorporated here.

LD: 1074 AN ACT TO REDEFINE DEADLY FORCE

DRINKWATER  
WHITCOMB

ND of 206

HOUSE Indef. PP  
SENATE Maj. Rep. (ONTP) Accepted  
GOV

SUMMARY:

Original bill (LD 206) sought to change the Maine Criminal Code's current definition of "deadly force" to mean only that physical force used by one person against another with the intent to kill. The current definition includes the use of physical force which the person knows creates a substantial risk of death or serious bodily injury. This change in definition would have affected the justifications provided by the Criminal Code for persons to use deadly and nondeadly force in defending themselves, others, or property against perpetrators of crime. The new draft (LD 1074) sought to change the "deadly force" definition to include the use of physical force which the person knows creates a substantial risk of death or permanent, as distinguished from serious, bodily injury.