

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
JUDICIARY  
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE  
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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
MAY 1986

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

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD  
2138

AN ACT TO CLARIFY THE LAW RELATING TO  
AUTHORIZATION FOR DISINTERMENT OR REMOVAL

PL 1985  
c. 602

Sponsor: MAYBURN, Stover, Wentworth, Hale  
Committee Report: New Draft of LD 1889.

SUMMARY: This bill clears up ambiguities in the law concerning disinterring or removing a dead human body from any vault or tomb. LD 2138 authorizes a municipal clerk to issue a permit for disinterment or removal upon receipt of a notarized application signed by the next of kin of the deceased. The application verifies that the applicant is the closest surviving known relative of the deceased or, if other equally close or closer surviving relatives are known about, asserts that these relatives do not object to the disinterment or removal. The bill does not preclude a court from ordering or enjoining a disinterment or removal in appropriate circumstances.

LD  
2139

AN ACT TO STRIP CRIME OF ITS PROFIT

PL 1985  
c. 679

Sponsor: CLARK, N., McGowan  
Committee Report: New Draft of LD 1505.

H-583 KANE  
H-591 ALLEN                   H       S  
S-469 CLARK, N.             H       S

SUMMARY: This bill increases the forfeiture powers of prosecutors in this State so as to include not only narcotics but arson and theft conspiracies. Provision is made for the equitable sharing of seized assets with agencies which participate in criminal investigations leading to forfeiture, but care is also taken to assure that the elected officials responsible for the law enforcement agency approve of the use of the property. The application of the forfeiture provisions of this bill are limited to property, other than real property, connected with crimes involving drug trafficking or furnishing, arson, or Class B theft conspiracies.

The bill declares that property subject to forfeiture as the proceeds of criminal enterprise may be ordered forfeited by a proper court. The bill excepts property from foreiture under certain circumstances when the owner of the property connected to a crime was not a part of the criminal activity. The Attorney General must also adopt rules to provide for adequate protection of innocent third parties whose assets may be seized. The court may order forfeiture of money, negotiable instruments, and securities to the General Fund or, with the Attorney General's