

# 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

PREPARED BY:

Martha E. Freeman, Legal Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333  
(207) 289-1670



HELEN T. GINDER, DIRECTOR  
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WILLIAM T. GLIDDEN, JR.

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

JULIE S. JONES  
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EDWARD POTTER  
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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
ONTF	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

Exemptions are retained for the Governor, judges, physicians and dentists providing active patient care, sheriffs, attorneys, and members of the state military force while on active duty.

LD	AN ACT TO EXTEND THE JUDICIAL CERTIFICATION	PL 1985
2178	PROCEDURES TO INSTITUTIONS HOUSING MENTALLY	C. 615
	RETARDED PERSONS	

Sponsor: PRAY, Bustin, Carpenter, Diamond, J.  
Committee Report: New Draft of LD 1924.

SUMMARY: At present, mentally retarded persons residing at Pineland Hospital receive the protections of a judicial certification procedure designed to guarantee the patient's ability to be placed in the least restrictive environment necessary. This bill provides for dually diagnosed persons (persons diagnosed as both mentally retarded and mentally ill) the same independent judicial review of placement in the Augusta Mental Health Institute or the Bangor Mental Health Institute that exists for mentally retarded people at Pineland Hospital.

This bill also eliminates the possibility that a person who is admitted to one of the mental health institutions will have to undergo two separate determinations that he should be admitted because of mental retardation and mental illness. After a period of six months, there must be a judicial determination under the mental retardation procedures that the person should continue hospitalization.

As is required by current law for Pineland patients, if it is determined that the sole reason for placement of the mentally retarded person at the mental health institute is the lack of availability of less restrictive alternatives, every six months the Department of Mental Health and Mental Retardation will be required to explain to the court what steps the department has taken to secure alternative placement.

LD	AN ACT RELATING TO THE TRANSFER OF AUTHORITY	ND LD 2379
2235	FROM THE DISTRICT COURTS TO THE SECRETARY OF	
	STATE TO ADJUDICATE THE COMMISSION OF	
	TRAFFIC INFRACTIONS	

Sponsor: THERIAULT, Sewall, Erwin, E., Paradis, P.  
Committee Report: OTP-ND

SUMMARY: See New Draft, LD 2379.