

STATE OF MAINE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON

Judiciary

BILL SUMMARY



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Prepared by:

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Office of Legislative Assistants State House, Station 13 Augusta, Maine 04333 (207) 289-2486 1596AN ACT TO PROVIDE A STATEMENTSoulePL 1983, c. 356OF BIRTH PARENTS' IDENTITY(new draft LDFOR ADOPTEES479)

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	Trafton	PL 1983, c. 377
	ARRESTS OF CRIMINAL OFFENDERS		(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 NOR VETOED
	10 JUSTICE		(new draft LD
			625)

Provides that the prevailing private party in certain civil court SUMMARY: 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 opposing 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 The Attorney General must report annually to the 100 people. 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	Sewall	PL 1983, c. 420
	OF SMALL BUSINESSES APPEARING IN		(new draft LD
	SMALL CLAIMS COURT		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 Cort Rules of Small Claims Procedure also only refer to permissible representation by a nonattorney 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.