

# MAINE STATE LEGISLATURE

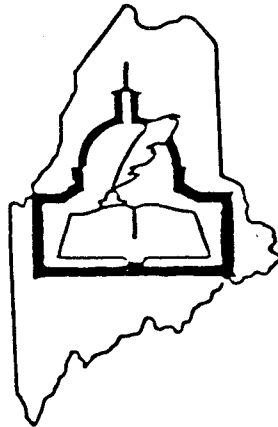
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
FIRST REGULAR SESSION

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:

185

RESOLVE, TO REIMBURSE DAVID JAMES MCDANIEL  
FOR DAMAGES SUFFERED AS A RESULT OF WRONGFUL  
IMPRISONMENT

MARTIN J

LU-WD

HOUSE Accepted Committee Report  
SENATE Accepted Committee Report  
GOV

SUMMARY:

Sought to appropriate \$100,000 from the General Fund to be paid to Mr. McDaniel in settlement of any claim for damages for wrongful imprisonment.

LD:

204

AN ACT TO PERMIT REASONABLE VISITATION RIGHTS  
FOR GRANDPARENTS WHEN A PARENT IS DECEASED

MURPHY E  
HANDY  
FARNUM

ONTP

HOUSE Accepted Committee Report  
SENATE Accepted Committee Report  
GOV

SUMMARY:

Sought to permit a grandparent to petition a court, in the division or county where the child resides, for the right to visit with his or her grandchild when that child's parent, the son or daughter of the petitioning grandparent, had deceased.

LD:

205

AN ACT TO CREATE A CAUSE OF ACTION AGAINST  
THE STATE FOR WRONGFUL IMPRISONMENT

MARTIN J

64

OTP-AM

HOUSE Enacted  
SENATE Enacted  
GOV

PUBLIC  
CH # 436

H-387

CA

MAJ REP

H

S

SUMMARY:

Permits a court action against the State for wrongful imprisonment for a person who has been incarcerated for a criminal offense, who obtains a pardon stating that the Governor finds that the person did not commit the offense for which he was convicted, and who proves that he did not commit any of the acts charged. The standard of proof for the plaintiff in such an action is clear and convincing evidence.

A finding that the law under which the person was convicted is unconstitutional may not be used as the basis for a claim that the person did not commit the offense.

The Governor's failure to issue a finding that the person did not commit the offense is not reviewable.