

MAINE STATE LEGISLATURE

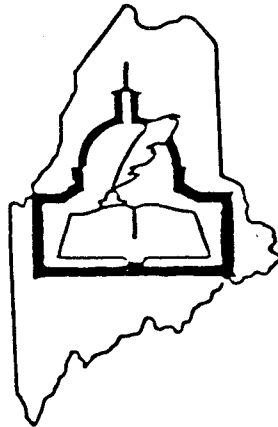
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



JULY, 1985

Prepared by:

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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 MARTIN J
FOR DAMAGES SUFFERED AS A RESULT OF WRONGFUL
IMPRISONMENT

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 MURPHY E
FOR GRANDPARENTS WHEN A PARENT IS DECEASED 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 MARTIN J
THE STATE FOR WRONGFUL IMPRISONMENT

64 OTP-AM HOUSE Enacted PUBLIC
SENATE Enacted CH # 436
GOV

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.

A claimant is limited to a claim of not more than \$100,000 in damages which, if awarded, is payable from the General Fund.

Persons convicted prior to the effective date of this Act must apply to the Governor within 3 months of the effective date of this Act for a hearing seeking the pardon and finding of innocence required prior to suit.

A sunset provision of November 1, 1988 is included.

LD: 206 AN ACT TO REDEFINE DEADLY FORCE DRINKWATER
WHITCOMB
ND: 1074
ONTP HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:
See LD 1074.

LD: 207 AN ACT CONCERNING CHILD PROTECTIVE SERVICES NELSON
HOGLUND
KIMBALL
BROWN L
LU-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:
Sought to include deprivation of appropriate educational opportunities in the definitions of "jeopardy" and "serious harm" contained in the Child and Family Services and Child Protection Act.

LD: 208 AN ACT TO PROVIDE FOR LIVING WILLS FOSTER
MAYBURY
ARMSTRONG
MACOMBER
LU-WD HOUSE Accepted Committee Report
SENATE Accepted Committee Report
GOV

SUMMARY:
Sought to enact the Maine Natural Death Act which would permit an adult to make a declaration providing that life-prolonging procedures should be withheld or withdrawn if that person becomes terminally ill and those procedures would serve only to prolong the moment of death. Similar to LD 660.