

MAINE STATE LEGISLATURE

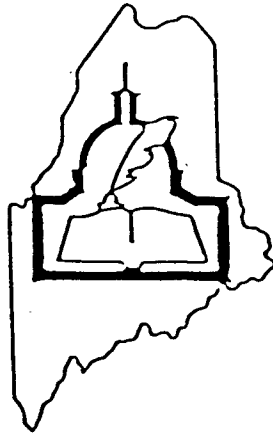
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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

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 AN ACT CONCERNING COMPUTER ACCESS AND
36 COMPUTER-RELATED CRIMES

LVWD

Sponsor: PARADIS, E., Murray, Kimball, Tuttle
Committee Report: LVWD

SUMMARY: This bill, carried over from the First Regular session, sought to create new provisions in the Criminal Code to deal expressly with unauthorized interference with computer data, unauthorized interference with computer equipment or supplies, and unauthorized interference with computer use. The bill made these activities Class E, D, and C crimes, the classification depending on the circumstances of the particular offense.

The bill was withdrawn with promises from the State Police that they would study the problem of computer crime during the summer and perhaps develop proposed legislation for next session. Concerns with LD 36 included: the extent of the computer crime problem in Maine, whether current provisions of the Criminal Code are applicable to computer crime, and whether LD 36 is drawn too broadly so that activity that should not be criminal or that is tangentially related to computer crime might be within its purview.

LD AN ACT RELATING TO STRUCTURES LOCATED IN
708 PROPOSED WAYS

LVWD

Sponsor: GAUVREAU, Pouliot, Danton
Committee Report: LVWD

S-74 CA H S

SUMMARY: LD 708 was carried over from the First Regular Session. It sought to provide that no action may be taken to compel removal of any structure which has been continuously located for a period of 20 years within a proposed town way.

LD AN ACT TO ADOPT A STATE UNIFORM FRAUDULENT
770 TRANSFER ACT

PL 1985
c. 641

Sponsor: TRAFTON, Carpenter, Kane, Davis
Committee Report: OTP-AM

S-418 CA H S

SUMMARY: LD 770 enacted the Uniform Fraudulent Transfer Act in Maine. Fraudulent transfers are transfers of property by a debtor to another with the aim of avoiding

obligations to the debtor's creditors. Up until the enactment of this Act, Maine has had no statute on fraudulent transfers; the law has been embodied in outdated Maine court cases. The adoption of the Uniform Fraudulent Transfer Act, drafted by the National Conference of Commissioners on Uniform State Laws and enacted in three states in 1985, modernizes and codifies Maine's law of fraudulent transfers.

LD AN ACT TO PERMIT DENIAL OF BAIL IN CERTAIN LVWD
773 CASES TO ASSURE THE SAFETY OF OTHER PERSONS

Sponsor: TRAFTON, Najarian, Diamond, J., Drinkwater
Committee Report: LVWD

SUMMARY: LD 773 was carried over from the First Regular Session. It sought to amend the current statutes on bail and release conditions to implement a constitutional amendment, should one have been approved, that would permit preventive detention of certain offenders prior to conviction. It was withdrawn because the bills proposing the necessary constitutional amendment to permit pretrial denial of bail, for crimes other than murder, were withdrawn.

LD RESOLUTION, PROPOSING AN AMENDMENT TO THE LVWD
905 CONSTITUTION OF MAINE TO PROVIDE FOR AN
EXPRESS STATEMENT OF THE RIGHT TO BAIL AND
AUTHORIZING THE DENIAL OF BAIL IN CERTAIN CASES

Sponsor: DIAMOND, J., Kane, McGowan, Chalmers
Committee Report: LVWD

SUMMARY: LD 905 was carried over from the First Regular Session. It sought to put out to referendum a constitutional amendment (amending Article I, Section 10 of the Maine Constitution), first proposed to the Legislature in 1984 by the Governor's Bail Commission, which would permit the denial of bail in criminal cases where the offense was a serious one committed against a person; where conviction would probably result; and where no bail or release conditions would reduce a substantial risk of nonappearance at court, the commission of another such offense, or a threat to the integrity of the judicial process. The bill was withdrawn upon the Judiciary Committee's determination that bail reform needed to take place in the area of post-conviction bail, rather than pretrial bail.