

# 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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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

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 Up until the enactment of this Act, Maine has had no statute on fraudulent transfers; the law has been embodied in outdated Maine court cases.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 773** AN ACT TO PERMIT DENIAL OF BAIL IN CERTAIN CASES TO ASSURE THE SAFETY OF OTHER PERSONS LVWD

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 It was withdrawn because the bills proposing the necessary constitutional amendment to permit pretrial denial of bail, for crimes other than murder, were withdrawn.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 905** RESOLUTION, PROPOSING AN AMENDMENT TO THE CONSTITUTION OF MAINE TO PROVIDE FOR AN EXPRESS STATEMENT OF THE RIGHT TO BAIL AND AUTHORIZING THE DENIAL OF BAIL IN CERTAIN CASES LVWD

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.