

MAINE STATE LEGISLATURE

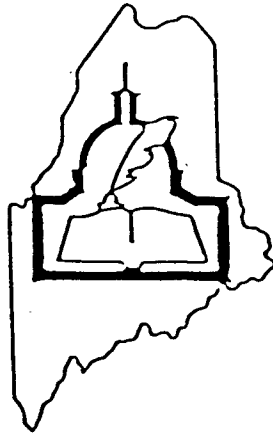
The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

PREPARED BY:

Martha E. Freeman, Legal Analyst

OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333
(207) 289-1670



HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, ASST. DIRECTOR
GILBERT W. BREWER
DAVID C. ELLIOTT
MARTHA E. FREEMAN
JERI B. GAUTSCHI
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.

STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS
ROOM 101/107
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
ANDREA L. COLNES, Res. Asst.

ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

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 1007 RESOLUTION, PROPOSING AN AMENDMENT TO THE
CONSTITUTION OF MAINE TO PROVIDE FOR A CLEAR
RIGHT TO BAIL WITH A POSSIBLE DENIAL OF BAIL
IN CERTAIN CASES

LVWD

Sponsor: TRAFTON, Drinkwater, Najarian
Committee Report: LVWD

SUMMARY: LD 1007 was carried over from the First Regular Session. It sought to put out to referendum a proposed constitutional amendment (amending Article I, Section 10 of the Maine Constitution) permitting the Legislature to authorize denial of bail or other release prior to conviction in cases of crimes punishable by life imprisonment or serious crimes against other persons. The Legislature, under this proposal, could authorize a court to deny release if the court finds, by clear and convincing evidence, that the accused committed the crime, and if it finds that denial of release is necessary to protect adequately members of the community from serious bodily injury, or to prevent adequately the intimidation of witnesses or jurors. The bill was withdrawn under the same reasoning applied to LD 905.

LD 1218 AN ACT TO AMEND THE MEDICAL EXAMINER ACT AND
RELATED PROVISIONS

PL 1985
c. 611

Sponsor: PAUL, Ridley, Gwadosky, Trafton
Committee Report: OTP-AM

H-530 CA H S
S-383 TRAFTON
S-405 TRAFTON H S

SUMMARY: LD 1218, carried over from the First Regular Session, modernizes the structure of the Medical Examiner's Office and, in some respects, broadens the medical examiner's powers.

The medical examiner system has two functions: 1) to rule out criminal and civil concerns in the cause of death, and 2) to complete the documentation of the fact and cause of death for the State. LD 1218 includes the following:

1. Establishment of a procedure for correcting errors on death certificates.
2. Establishment of appointment procedures and qualifications for the Chief Medical Examiner and deputy medical examiners. The Chief Medical Examiner must be

board certified in forensic pathology or must be certified through completion of a test designed by forensic pathology experts selected by the Governor.

3. Establishment of a standard medical examiners must apply in judging identity and cause, manner, date, time, and place of death. The standard is one of reasonable care based on a preponderance of the evidence.

4. Establishment of the Chief Medical Examiner as custodian of the records of the Medical Examiner's Office. Records not made confidential are available to the public by written request to the Chief Medical Examiner. The Chief Medical Examiner need not release medical examiner reports to the public until the next of kin has been contacted.

5. Provision of medical examiners with access to medical records.

6. Provision of confidential status for certain records used by medical examiners, including contents of suicide notes, reproductions of medical reports, and police reports.

7. Establishment of a clear definition of a medical examiner case. The death of a person when that person is under the care of a religious, rather than medical, practitioner does not automatically make the death a medical examiner case.

8. Clarification of the Chief Medical Examiner's authority to dispose of unidentified remains and retain or dispose of body fragments.

LD AN ACT TO TRANSFER PROBATE JURISDICTION TO LVWD
1250 THE SUPERIOR AND DISTRICT COURTS

Sponsor: TRAFTON, Chalmers, Warren, Bell
Committee Report: LVWD

SUMMARY: LD 1250 was carried over from the First Regular Session. It sought to transfer the jurisdiction of the Probate Courts to the Superior Court and District Court. Under its provisions, all of the probate matters handled in the Probate Courts under the Probate Code (Title 18-A) would have been transferred to Superior Court jurisdiction. Certain miscellaneous matters contained in the Maine Revised Statutes, Titles 19 and 22, would have been transferred to District Court jurisdiction. In addition, District Court Judges would have been given