

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

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

standing authority to act in Superior Court on probate matters involving protection proceedings for adults and children.

The system of probate registers and offices that administratively serves the Probate Courts would have been retained without change, except that the registers and offices would have been state funded as opposed to county funded and would have been supervised by the Supreme Judicial Court and the Chief Justice of the Superior Court.

LD 1250 was withdrawn since its subject matter was addressed, though in a varied proposal, by LD 2119, the Family Court bill.

LD 1267 AN ACT CONCERNING COMPUTER FRAUD AND ABUSE LVWD

Sponsor: CHALMERS, Allen, Cooper, Drinkwater
Committee Report: LVWD

SUMMARY: This bill, carried over from the First Regular session, sought to make it clear that persons who exercise control over or knowingly possess writings which may be maintained in electronic storage devices, such as computer disks or other media, may be prosecuted for a form of theft by unauthorized use, a Class D crime. LD 1267 was withdrawn because of the State Police Study that will be done this summer (see LD 36).

LD 1329 AN ACT TO FACILITATE THE COLLECTION OF CHILD SUPPORT ND LD 2246

Sponsor: NAJARIAN, Cote, Melendy, Rolde
Committee Report: OTP-ND

SUMMARY: See New Draft, LD 2246.

LD 1404 AN ACT TO MAKE PUBLIC THE PROCEEDINGS OF THE BOARD OF OVERSEERS OF THE BAR LVWD

Sponsor: DAVIS, Diamond, G., Perkins, Martin, J.
Committee Report: LVWD

SUMMARY: LD 1404, carried over from the First Regular Session, sought to require any hearing conducted by the Board of Bar Overseers on charges of attorney misconduct to be open to the public. LD 1404 was withdrawn when the