

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

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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: 1356 AN ACT CONCERNING THE PROVISION OF CERTAIN COTE
EMERGENCY REPORTS FOR COURT-ORDERED EXAMINATIONS TRAFTON

ONTP HOUSE Emerg. Enacted PUBLIC
SENATE Emerg. Enacted CH # 356
GOV EMER SIGNED
H-277 CA MIN REP
H-315 HA ALLEN H S

SUMMARY:

Permits psychological and psychiatric examiners, conducting court-ordered examinations of an individual concerning issues of his criminal responsibility and competence to stand trial, to have access to any prior records concerning the individual, if the individual moved for the examination, joined in the motion, or has entered a plea of not guilty by reason of insanity.

LD: 1360 AN ACT TO AMEND CERTAIN PROVISIONS OF THE CARPENTER
MAINE CRIMINAL CODE

OTP HOUSE Enacted PUBLIC
SENATE Enacted CH # 456
GOV SIGNED

SUMMARY:

Strikes out provisions of the sentencing portions of the Criminal Code which dealt with retrospective application of revised good-time deductions from prison sentences. In 1983 the Criminal Code was amended to increase the amount of good-time a prisoner can earn. This increased good-time deduction was applied to persons sentenced prior to the effective date of the new good-time provisions. This retrospective application was declared unconstitutional by the Maine Law Court.

LD: 1361 AN ACT TO AMEND JUDICIAL CERTIFICATION PRAY
PROCEDURES CARPENTER
NELSON
CARROLL

OTP-AM HOUSE Enacted PUBLIC
SENATE Enacted CH # 397
GOV SIGNED
S-239 CA H S

SUMMARY:

Amends the procedure for judicial certification of the residence of a client of a mental health or retardation facility in that facility. Before certifying residence, the court must find, among other things, that there is no less restrictive care possible or currently available. If the court finds that less restrictive care is not currently available, the certification may remain in effect only until a less restrictive care alternative becomes available, or for up to 6 months. After 6 months passes, the court may not recertify residence in the facility unless the petition for recertification contains a written report from the Commissioner of Mental Health and Mental Retardation detailing actions taken to find or develop an alternative setting for the client.

LD: 1364 AN ACT ESTABLISHING A COMMISSION TO STUDY CHALMERS
EMERGENCY FAMILY MATTERS IN COURT AND THE ESTABLISHMENT CARPENTER
OF A FAMILY DIVISION OF COURT KANE
FOSTER

OTP-AM HOUSE Emerg. Enacted P AND S
SENATE Emerg. Enacted CH # 65
GOV EMER SIGNED
S-291 CA H S
S-310 SA/CA CHALMERS

SUMMARY:

Establishes a Commission, consisting of legislators, attorneys, court personnel, judicial advisors, and others, to study the handling of family matters in Maine courts. To report to the Legislature by March 1986.

LD: 1386 AN ACT TO PROTECT ABUSED CHILDREN STEVENS P
CARPENTER
MELENDY
KIMBALL

OTP-AM HOUSE Enacted PUBLIC
SENATE Enacted CH # 495
GOV SIGNED
H-426 CA H S

SUMMARY:

Makes the following changes in Maine law concerning child abuse to help prevent abuse and to help victims of abuse:

1. Expands the use of out-of-court children's testimony in criminal trials concerning sexual abuse by lowering the standard which the judge uses to determine whether a child would be harmed by testifying in open court.