

# 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: 1404 AN ACT TO MAKE PUBLIC THE PROCEEDINGS OF THE BOARD OF OVERSEERS OF THE BAR DAVIS  
DIAMOND G  
PERKINS  
MARTIN J

CARRY OVER HOUSE Ref'd to Committee  
SENATE Ref'd to Committee  
GOV

**SUMMARY:**

Seeks to require any hearing conducted by the Board of Bar Overseers on charges of attorney misconduct to be open to the public.

LD: 1408 AN ACT TO AMEND CERTAIN SEX CRIMES UNDER THE MAINE CRIMINAL CODE CHALMERS  
GILL

OTP-AM HOUSE Enacted PUBLIC  
SENATE Enacted CH # 414  
GOV SIGNED

S-267 CA H S

**SUMMARY:**

Clarifies the meaning of the so-called "voluntary social companion" defense, which reduces the penalty for the crimes of rape and gross sexual misconduct. This makes it clear that the defense is available both when the victim voluntarily allows the defendant sexual contact, the defendant thus being the actor, and when the victim voluntarily performs a sexual contact upon the defendant, the victim thus being the actor.

Also amends the "voluntary intoxication" defense to a prosecution for gross sexual misconduct to make the defense unavailable in the instance where the actor, for example, a doctor or dentist, administers or employs the substance under circumstances where the person who voluntarily acquiesces possesses a reasonable belief that this is for the purpose of medical or dental examination or treatment.

LD: 1437 AN ACT CONCERNING ACCESS TO TELEPHONE TOLL RECORDS BY PROSECUTORS CARPENTER

OTP-AM HOUSE Enacted PUBLIC  
SENATE Enacted CH.# 393  
GOV SIGNED

S-238 CA H S

SUMMARY:

Permits deputy attorneys general and deputy district attorneys to request a court to order a public utility to provide access to public utility subscriber information. Current law permits only the Attorney General to make this request.

LD: 1448 AN ACT CONCERNING LIVING WILLS

MURRAY  
MITCHELL  
SMITH C B  
GILL

ND of 660

HOUSE Enacted  
SENATE Enacted  
GOV UNSIGNED

PUBLIC  
CH # 186

SUMMARY:

Permits a competent individual 18 years old or older to execute a declaration, i.e., a living will, directing the withdrawal or withholding of life-sustaining procedures. The declaration must be signed by the declarant, or another at his direction, in the presence of 2 witnesses who must also sign the declaration.

A physician or health care provider who is given a copy of the declaration must make it a part of the declarant's medical record.

The declaration is to be given operative effect only when:

1. It is communicated to the attending physician;
2. The declarant is determined to be in a terminal condition by the attending physician; and
3. The declarant is unable to make treatment decisions.

The Act also provides a model form for a declaration and addresses the responsibilities and liabilities of persons involved in carrying out, or in the revocation of, a declaration.

LD: 1449 AN ACT TO REVISE THE LAWS PERTAINING TO  
REAL ESTATE ATTACHMENTS, LEVY ON EXECUTION  
ND of 437 AND EXEMPT PROPERTY

MANNING  
CARPENTER

HOUSE Enacted  
SENATE Enacted  
GOV UNSIGNED

PUBLIC  
CH # 187