

# 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.

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 AND EXEMPT PROPERTY

MANNING  
CARPENTER

ND of 437

HOUSE Enacted  
SENATE Enacted  
GOV UNSIGNED

PUBLIC  
CH # 187

SUMMARY:

Amends certain provisions of Maine law concerning attachment of property and execution of attachments to provide some greater security for creditors who may have to seek the enforcement of a money judgment through execution of an attachment on judgment debtor property.

LD: 1452 AN ACT PROVIDING FOR CHANGE OF VENUE OF CRIMINAL CASES CARPENTER  
ND of 325 KANE  
MACBRIDE  
CHALMERS

HOUSE Enacted PUBLIC  
SENATE Enacted CH # 179  
GOV SIGNED

SUMMARY:

Makes it clear that, with the consent of the defendant, a criminal trial may be moved anywhere in the State, thus preserving this provision of current law.

Also provides that, by rule, the court may, without the consent of the defendant, change the venue of a criminal trial from the place where the crime occurred, but may only move the trial to an adjoining county that is in the vicinity of where the crime occurred. The Supreme Judicial Court has interpreted "vicinity" to mean "neighborhood."

LD: 1456 AN ACT TO AMEND THE LAWS CONCERNING IMMUNITY SO AS TO ADDRESS JUVENILE CRIME RIOUX

OTP HOUSE Enacted PUBLIC  
SENATE Enacted CH # 386  
GOV SIGNED

SUMMARY:

Makes it clear that, in circumstances appropriate for an adult, a court may grant immunity to a juvenile. As presently written, the section would arguably allow a grant of immunity to a juvenile only when there exists a potential future risk to the juvenile of being bound over to stand trial as an adult.

LD: 1492 AN ACT TO PREVENT UNJUST ENRICHMENT BY RETENTION OF SURPLUS UPON FORECLOSURE OF MUNICIPALITIES, PUBLIC UTILITIES AND SEWER DISTRICTS NAJARIAN  
DOW  
BALDACCI  
MARTIN H

LU-WD HOUSE Accepted Committee Report  
SENATE Accepted Committee Report  
GOV