

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:

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

SUMMARY:

Sought to require the State Tax Assessor and any municipality, public utility, and sewer or sanitary district that forecloses on real estate for delinquent taxes or fees to remit to the property owner any surplus proceeds from the sale, after taxes, costs or fees, and any other costs incurred, including demolition or removal of structures, have been deducted.

Also sought to provide for the remittance of damages, less all amounts owed, including any cost, to the owner if the property is retained by the State, municipality, public utility, or sewer or sanitary district. Damages would have been estimated in the same manner that damages are estimated for a taking of land by municipal officials.

LD: 1493 AN ACT AMENDING THE MAINE JUVENILE CODE TO ALLOW FOR ACCESS TO RECORDS BY CRIMINAL JUSTICE AGENCIES CARPENTER KANE

OTP-AM HOUSE Enacted SENATE Enacted GOV SIGNED PUBLIC CH # 426

S-295 CA H S

SUMMARY:

Permits the dissemination among law enforcement agencies of information contained in the records of juveniles involved in proceedings under the Maine Juvenile Code in limited circumstances: The confidential nature of records concerning juvenile crimes is abrogated for law enforcement agency use only and only where the juvenile has demonstrated serious or continued failure to conform to the requirements of the law.

LD: 1494 AN ACT CONCERNING ACCESS TO MEDICAL RECORDS BY PROSECUTORS CARPENTER KANE
EMERGENCY

OTP-AM HOUSE Emerg. Enacted SENATE Emerg. Enacted GOV SIGNED PUBLIC CH # 422

S-280 CA H S

SUMMARY:

Permits prosecutors access to certain medical records of victims of crime. The medical records requested by a prosecutor must relate to the alleged criminal act and, where possible, the prosecutor must seek only specifically pertinent records. The Attorney General or District Attorney must provide written authorization to their deputies and assistants before the deputies or assistants may request access to medical records of crime victims.