

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE
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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

Sponsor: MAYBURN, Stover, Wentworth, Hale
Committee Report: New Draft of LD 1889.

SUMMARY: This bill clears up ambiguities in the law concerning disinterring or removing a dead human body from any vault or tomb. LD 2138 authorizes a municipal clerk to issue a permit for disinterment or removal upon receipt of a notarized application signed by the next of kin of the deceased. The application verifies that the applicant is the closest surviving known relative of the deceased or, if other equally close or closer surviving relatives are known about, asserts that these relatives do not object to the disinterment or removal. The bill does not preclude a court from ordering or enjoining a disinterment or removal in appropriate circumstances.

Sponsor: CLARK, N., McGowan
Committee Report: New Draft of LD 1505.

H-583 KANE
H-591 ALLEN H S
S-469 CLARK, N. H S

SUMMARY: This bill increases the forfeiture powers of prosecutors in this State so as to include not only narcotics but arson and theft conspiracies. Provision is made for the equitable sharing of seized assets with agencies which participate in criminal investigations leading to forfeiture, but care is also taken to assure that the elected officials responsible for the law enforcement agency approve of the use of the property. The application of the forfeiture provisions of this bill are limited to property, other than real property, connected with crimes involving drug trafficking or furnishing, arson, or Class B theft conspiracies.

The bill declares that property subject to forfeiture as the proceeds of criminal enterprise may be ordered forfeited by a proper court. The bill excepts property from forfeiture under certain circumstances when the owner of the property connected to a crime was not a part of the criminal activity. The Attorney General must also adopt rules to provide for adequate protection of innocent third parties whose assets may be seized. The court may order forfeiture of money, negotiable instruments, and securities to the General Fund or, with the Attorney General's

approval, to a municipality or county which contributed to the investigation of the criminal case to which the property is related. The court may order forfeiture of other property to the General Fund accomplished by sale at public auction; with the approval of the Attorney General, to a state agency, municipality or county which contributed to the pertinent criminal investigation; or to a municipality or county which contributed to the pertinent criminal investigation after the property has been turned into money at public auction and with the Attorney General's approval.

Under the bill, the approval of other governmental bodies must be had before certain property forfeited may be accepted by the agency to which it is forfeited. When an asset is forfeited to other than the General Fund, the title transfers only when:

1. The Legislature approves the transfer of an asset forfeited to a state agency;
2. The county commissioners approve the transfer of an asset forfeited to a county agency; or
3. The elected governing body of a municipality approves the transfer of an asset forfeited to a municipal agency.

LD 2141	AN ACT TO PERMIT THE SUPREME JUDICIAL COURT TO AUTHORIZE EMPLOYEES OF THE BUREAU OF TAXATION AND THE BUREAU OF EMPLOYMENT SECURITY TO PARTICIPATE IN COURT PROCEEDINGS	PL 1985 c. 598
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Sponsor: CASHMAN, Twitchell, Beaulieu, Kane
Committee Report: New Draft of LD 1931.

SUMMARY: This bill allows employees of the Bureau of Employment Security and the Bureau of Taxation to represent their respective bureaus in certain court proceedings even though they are not attorneys. This representation may only occur under the following conditions:

Only upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court may employees of the Bureau of Employment Security serve civil process and represent the Department of Labor in civil disclosure hearings, and may employees of the Bureau of Taxation serve civil process and represent the State in civil disclosure hearings and appear in arraignments concerning tax law violations under the Maine Revised Statutes, Title 4, section 807-A. These rules must establish standards and a method to certify employees as being familiar with court procedures. These provisions are repealed on April 1, 1988.