

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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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

5. Permits the defendant and the State to appeal a post-conviction bail decision to a single justice of the Supreme Judicial Court. The single justice does not conduct a new bail hearing but simply reviews the lower court's order.

6. Permits the revocation of post-conviction bail after a hearing if the defendant has violated a condition of bail, been charged with a crime allegedly committed while on release, or has taken an appeal for the purposes of delay.

7. Sets penalties for a defendant's failure to appeal after release on post-conviction bail: failure to appear by a defendant convicted of a Class D or E crime is a Class E crime; failure to appear by a defendant convicted of a Class A, B, or C crime is a Class C crime.

8. Makes violation of a post-conviction bail condition of release a Class E crime.

LD 2379 AN ACT RELATING TO THE TRANSFER OF AUTHORITY FROM THE DISTRICT COURTS TO THE SECRETARY OF STATE TO ADJUDICATE THE COMMISSION OF TRAFFIC INFRACTIONS PL 1985 c. 800

Sponsor: THERIAULT, Sewall, Erwin E, Paradis P
Committee Report: New Draft of LD 2235.

S-540 DOW H S

SUMMARY: This bill provides for a complete transfer of authority to adjudicate traffic infractions from the District Court to the Secretary of State by January 1, 1988. It requires that legislation be submitted to the 113th Legislature detailing the implementation of the transfer of this authority.

LD 2380 AN ACT TO CONFIRM AND RECOGNIZE PUBLIC TRUST RIGHTS IN INTERTIDAL LAND PL 1985 c. 782

Sponsor: NAJARIAN, Trafton, Martin J, Wentworth
Committee Report: New Draft of LD 1922.

H-730 SCARPINO H S
S-498 SEWALL

SUMMARY: LD 2380 states that public trust rights in intertidal land include:

1. The right to use this land for fishing, fowling, and navigation;

2. The right to use this land for recreation; and
3. Any other trust rights to use intertidal land recognized by the Maine common law and not specifically abrogated by statute.

The bill states that the above rights do not include:

1. Removal from intertidal land of any sand, soil, rocks, or other minerals;
2. Interference with any structure, development, or improvement on intertidal land in accordance with State laws;
3. Depositing of refuse or waste on intertidal land or in water covering the land; or
4. Use or operation of motorized vehicles, other than navigable watercraft, unless specifically authorized by state law or municipal ordinance.

Under the bill, municipalities have jurisdiction to police and control public use of intertidal land, except where the exercise of these municipal police powers is superseded by state law.

Intertidal land is defined as land affected by tides between the mean high watermark and either 100 rods seaward from the high watermark or the mean low watermark, whichever is closer to the mean high watermark.

LD AN ACT TO AMEND THE INSANITY DEFENSE AND
2397 CERTAIN PROCEDURES RELATING TO COMMITTED
INSANITY ACQUITTEES

PL 1985
c. 796

Sponsor: Insanity Defense and Related Statutes and
Procedures Study Subcommittee
Committee Report: New Draft of LD 2108.

SUMMARY: The bill requires initial examinations of the mental condition of criminal defendants prior to trial to be conducted by the State Forensic Service or by an independent psychiatrist or psychologist designated by the court. The court shall order the defendant to be further examined if the examiner's report indicates that further observation is required, the defendant suffers from a mental disease or defect affecting his criminal responsibility or his competence to stand trial, or the defendant enters or persists in a plea of not guilty by reason of insanity for more than 21 days after the examiner's report is filed.