

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE
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JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

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. The summaries are arranged by LD number under each committee.

All Adopted 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 "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO PERMIT JUDGES OF THE UNITED STATES LVWD
133 TO BE ADMITTED TO THE PRACTICE OF LAW IN MAINE
BY MOTION

Sponsor: GAUVREAU, Paradis, P., Brannigan
Committee Report: LVWD

SUMMARY: LD 133 proposed to allow Federal Judges to be admitted to the practice of law in this State on motion before the Supreme Judicial Court without complying with the usual requirements for admission to the bar.

LD AN ACT CONCERNING VISITATION RIGHTS OF LVWD
149 GRANDPARENTS

Sponsor: CLARK, N., Gill, Black, Anthony
Committee Report: LVWD

SUMMARY: Passage of this bill would have allowed any grandparent to apply to the Superior Court for visitation rights with respect to his grandchildren when the parents of the minor children are separated, divorced or one or both of the parents are deceased.

LD AN ACT CONCERNING ENHANCEMENT OF THEFT PL 1987
157 PENALTIES BASED ON PRIOR CONVICTIONS c. 12

Sponsor: GAUVREAU, Paradis, P., Warren, Marsano
Committee Report: OTP

SUMMARY: The penalties for most theft crimes under the Criminal Code are based on the value of the property taken. 17-A MRSA §362 (3-A) is an exception to this general penalty scheme: Under subsection 3-A, a theft or attempted theft is automatically a Class C crime (punishable by up to 5 years imprisonment, a fine not to exceed \$2,500, or both), regardless of the value of the property taken, if the person charged with the theft has 2 prior Maine convictions for similar offenses. This bill adds a time limit for the use of prior convictions to enhance the penalty for a new theft offense: The prior convictions cannot be used to determine the penalty if they preceded the new offense by more than 10 years.

LD AN ACT RELATING TO CIVIL PENALTY ACTIONS LVWD
172

Sponsor: BRANNIGAN
Committee Report: LVWD

SUMMARY: This bill sought to repeal the current two-year statute of limitations on civil actions to recover

penalties or forfeitures on penal statutes so that civil penalty actions brought by the State would have been under the general six-year statute of limitations.

LD AN ACT CONCERNING THE PROVISION OF LEGAL
189 SERVICES BY ELIGIBLE LAW STUDENTS

PL 1987
c. 30
EMERGENCY

Sponsor: FOSTER
Committee Report: OTP-A
Amendments Adopted:
H-19 COMMITTEE

SUMMARY: Permits any senior law student enrolled in a law school approved by the ABA to appear, under supervision, in Maine courts on behalf of state agencies or indigent clients. Existing law had permitted only senior law students enrolled in a Maine law school or who were Maine residents to appear in this manner.

LD AN ACT TO INCREASE THE SMALL CLAIMS COURT LIMIT LVWD
212

Sponsor: BRANNIGAN, Vose, Conley, MacBride
Committee Report: LVWD

SUMMARY: LD 212 proposed to increase the monetary limit of Small Claims Court actions from \$1,400 to \$2,500.

LD AN ACT RELATING TO THE USE OF HOSPITAL RECORDS LVWD
220 OF BLOOD-ALCOHOL LEVEL IN COURT PROCEDURES AS
EVIDENCE OF LIABILITY

Sponsor: HARPER, Hichborn, Pearson
Committee Report: LVWD

SUMMARY: Passage of this bill would have allowed those hospital records that indicated the presence of intoxicating liquor or drugs in a person to be admissible as evidence in a case concerning liability of that person.