

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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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 FACILITATE THE USE OF TESTIMONY OF LVWD
1187 YOUNG VICTIMS OF SEX OFFENSES

Sponsor: ANTHONY, Thistle, Joseph
Committee Report: LVWD

SUMMARY: This bill sought to allow the introduction into criminal proceedings of hearsay statements by children under the age of 14 who are alleged to be victims of sex offenses. This bill would have allowed trustworthy, out-of-court statements by children describing sexual conduct to come into evidence in the testimony of those to whom the statements were made. The bill also preserved the accused's right to cross-examine by providing the opportunity to question the child regarding the statements. Only if it was impossible for the child to testify could the child's reliable statements be admitted without any cross-examination and then only if they were not the sole evidence upon which the accused could have been convicted.

LD AN ACT TO PERFECT TITLE OF FORFEITED VEHICLES LVWD
1193

Sponsor: DAVIS, McGowan, Dow, Cahill
Committee Report: LVWD

SUMMARY: LD 1193 proposed to automatically perfect the State's title to a motor vehicle forfeited by the owner after a criminal conviction.

The provisions of this bill, with certain changes, were incorporated into LD 1415.

LD AN ACT TO AMEND THE LAWS REGARDING SMALL CLAIMS LVWD
1199

Sponsor: ALLEN, Baldacci, Hoglund
Committee Report: LVWD

SUMMARY: LD 1199 proposed to amend the laws governing Small Claims Court actions in several ways. It provided that the notice of a disclosure hearing may be sent to a defendant with the initial notice of the pending action. The bill also authorized Court rulemaking to determine when the disclosure hearing would be held immediately after the action is decided by the Court. If the debtor fails to appear at the hearing and a judgment is rendered against him, the debtor would be notified of the judgment against him and the Court's order by registered or certified mail.

Finally, the bill required banks to honor checks from a debtor to pay the judgment rendered against him in Small Claims Court even if honoring the check would result in an overdraft of the debtor's account.

LD AN ACT TO AMEND THE CIVIL COMMITMENT PROCEDURES CARRY-OVER
1204 TO PROTECT THE HEALTH AND SAFETY OF CERTAIN
MENTALLY ILL INDIVIDUALS

Sponsor: GILL, Gauvreau, Paradis, P., Taylor
Committee Report: Carry-Over

SUMMARY: Seeks to revise the procedures for involuntary commitment of mentally ill persons. As drafted, the bill addresses issues of involuntary commitment based on serious mental illness and lack of other treatment alternatives, rather than a finding of dangerousness. It also provides a definition of inability of a mentally ill person to give informed consent and how to proceed if informed consent to treatment is not possible.

LD AN ACT TO IMPLEMENT CERTAIN RECOMMENDATIONS OF PL 1987
1216 THE JUDICIAL COUNCIL'S COMMITTEE ON THE c. 414
COLLECTION OF FINES

Sponsor: GAUVREAU, Paradis, P. MacBride
Committee Report: OTP-A
Amendments Adopted:
S-204 COMMITTEE

SUMMARY: The bill, as amended by the committee establishes procedures to collect monetary fines imposed by a court in civil violation or traffic infraction proceedings. Generally, immediate payment of a fine is required. However, the court may permit a defendant to leave the courthouse to secure funds to pay the fine on the day of imposition. If the defendant fails to return to the courthouse to pay the fine on that day, the court shall issue a civil order of arrest. If the underlying offense involves a violation of the traffic laws of Title 29, the court shall also, upon the defendant's failure to return, suspend the defendant's driver's license.

The court must also determine the defendant's ability to pay the fine. If he is able to pay, the court may permit installment payments if immediate payment would constitute a hardship. In order to pay in installments, the defendant must surrender his driver's license to the court as security for payment of the fine. The defendant will receive a temporary license until the fine is paid, at which time he will receive his permanent license back.