

# 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

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.

Failure to pay a fine subjects a defendant to civil contempt, unless the defendant shows that his failure was not due to a willful refusal to obey the court's order or a failure to make a good faith effort to pay.

This bill also deals with the failure of a defendant to appear in the first instance to answer a civil violation or traffic infraction complaint. Upon a failure to appear, the court clerk is to mail a notice to the defendant with a new appearance date and informing the defendant that failure to appear at that time will result in a default judgment. Upon a default, the court will enter a judgment, set a fine, and, if the offense is a traffic infraction, suspend the defendant's driver's license. The defendant may petition the court for relief from a default judgment.

The bill also permits the judicial department to establish a procedure for payment of fines up to \$500 by credit cards.

LD AN ACT TO IMPROVE COURT SECURITY  
1217

PL 1987  
c. 137

Sponsor: GAUVREAU, Marsano, Cote, MacBride  
Committee Report: OTP

SUMMARY: LD 1217 grants authority to the Administrator of the Court to coordinate court security measures and, when necessary, to contract for additional deputy sheriffs from other counties to assist in court security duties.

LD AN ACT TO APPORTION FAULT UNDER THE COMPARATIVE  
1221 NEGLIGENCE LAW

CARRY-OVER

Sponsor: WARREN, Cote, Thistle  
Committee Report: Carry-Over

SUMMARY: The bill seeks to alter the comparative negligence statute so that a plaintiff's recovery in a civil suit would be reduced by whatever percentage the jury found the plaintiff to be at fault for the accident. The current statute eliminates the plaintiff's ability to recover if he is found to be equally at fault.