

# 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

PREPARED BY:

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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

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 STRENGTHEN THE VICTIM'S ABILITY TO LVWD  
1229 ADDRESS THE COURT AT A CRIMINAL SENTENCING

Sponsor: SOUCY  
Committee Report: LVWD

SUMMARY: This bill sought to require prosecutors to notify the victim of a crime of an impending plea bargain in the criminal case. The victim who wished to do so could then have appeared and addressed the court at the time the plea bargain was presented to the court.

LD AN ACT RELATING TO A COURT APPEARANCE BY A LVWD  
1230 PROPERTY MANAGER ON BEHALF OF A LANDLORD

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

SUMMARY: LD 1230 proposed to authorize a property manager or his employee, even if they are not an attorney, to represent a landlord in forcible entry and detainer actions in court to evict tenants from the landlord's property.

LD RESOLUTION, PROPOSING AN AMENDMENT TO THE LVWD  
1232 CONSTITUTION OF MAINE RELATING TO SALARIES  
RECEIVED BY JUDGES WHO HAVE BEEN RELIEVED OF  
THEIR DUTIES

Sponsor: FOSS, MacBride  
Committee Report: LVWD

SUMMARY: The bill proposed a constitutional amendment to require that, if a judge is relieved of his duties pending an investigation of possible misconduct, he shall not be paid during that time. Upon a determination that no misconduct occurred, the judge could have been repaid for the compensation lost.

LD AN ACT TO REINSTATE CAPITAL PUNISHMENT IN ONTP  
1236 CERTAIN MURDER CASES

Sponsor: HEPBURN, Lebowitz, Callahan  
Committee Report: ONTP

SUMMARY: LD 1236 proposed to reinstate the death penalty for persons convicted of murders where 3 or more persons have been killed in one event, where 2 or more persons have been killed in separate events or where the victim was under 18 years old, a police officer or a corrections officer. Death would be by lethal injection. The bill called for 2 separate juries to be empanelled for such cases, one to hear and decide the accused's guilt or

innocence and a 2nd jury to determine the sentence. All cases in which a death penalty was ordered would be subject to immediate review by the Law Court. The bill also contained a referendum clause so that it would not take effect until accepted by the voters of the State.

LD AN ACT TO MODIFY THE DEFINITION OF SEXUALLY PL 1987  
1242 EXPLICIT CONDUCT c. 165

Sponsor: BRANNIGAN, Marsano, Paradis, P.  
Committee Report: OTP

SUMMARY: The bill amends the law prohibiting and penalizing the sexual exploitation of minors to assure that prohibited use of children in sexually explicit conduct includes lewd exhibition of the anus and sexually explicit conduct even when the genitals, pubic area, or anus are covered.

LD AN ACT TO CLARIFY THE LAW RELATING TO PL 1987  
1243 RESTITUTION FOR VICTIMS OF CRIME BY EXPRESSLY c. 157  
PROVIDING THAT CITIES, COUNTIES AND OTHER EMERGENCY  
GOVERNMENTAL ENTITIES CAN BE VICTIMS AND THAT  
ORGANIZATIONS MAY BE ORDERED TO PAY RESTITUTION

Sponsor: BRANNIGAN, Paradis, P., Cote, MacBride  
Committee Report: OTP

SUMMARY: LD 1243 includes governmental entities within the definition of "victim" in the restitution law so that restitution to such entities can be sought from an offender after his conviction. The bill also authorizes the requirement of restitution from business organizations convicted of criminal activity as well as individuals.

LD AN ACT RELATING TO CRIMINAL RESTRAINT UNDER THE PL 1987  
1246 KIDNAPPING AND RESTRAINT LAWS c. 150

Sponsor: CASHMAN, Bost  
Committee Report: OTP

SUMMARY: The bill raises the age of the victim as an element of the crime of criminal restraint from 15 years of age to 16 years of age.