

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

or local, and limited the amount of reimbursement to a maximum of \$500. It also provided that any recovery under the bill would not be deducted from any subsequent civil judgment but would instead entirely bar any other civil action based on the same facts.

LD AN ACT RELATING TO THE RELOCATION OF THE PL 1987
1404 SOUTHERN DIVISION OF THE 10TH DISTRICT COURT c. 133

Sponsor: McPHERSON, Rolde
Committee Report: New Draft of LD 898

SUMMARY: The original bill proposed to relocate the District Court for the Southern Division of York County from the town of Kittery to the town of York.

The New Draft, LD 1404, permits the District Court to be relocated until February 1, 1989, to a site to be determined by the Chief Judge of the District Court. After that date, the District Court must be located in York.

LD RESOLVE, TO ESTABLISH THE COMMISSION TO STUDY INDEF PP
1405 ADOPTION LAWS AND PRACTICES

Sponsor: ANTHONY, Clark, M., Gill
Committee Report: New Draft of LD 837

SUMMARY: The new draft sought to create a commission to undertake a review of all laws and rules relating to adoption and of the approaches to adoption taken by agencies, physicians, attorneys, probate judges, unwed pregnant teenagers, adoptees, birth parents, and adoptive parents.

LD AN ACT RELATING TO AGGRAVATED TRAFFICKING OR ND LD 1882
1414 FURNISHING SCHEDULED DRUGS UNDER THE MAINE
CRIMINAL CODE

Sponsor: TAYLOR, Higgins, Twitchell, Webster, C.
Committee Report: OTP-ND LD 1822, LD 1823

SUMMARY: The original bill proposes mandatory sentences for convictions based on the furnishing of or trafficking in scheduled drugs to persons under 16 years of age; the furnishing of or trafficking in scheduled drugs in, on, or within 1,000 feet of a school or campus; and the furnishing of or trafficking in scheduled drugs where the offender has previously been convicted of drug law violations. The bill also proposes making possession of cocaine a felony; broadening the hypodermic apparatus law by making it a crime to furnish, as well as traffic in, those devices, and increasing the penalty from a Class C felony to a Class B

felony; and creating a presumption that a person is unlawfully trafficking in scheduled drugs if he intentionally or knowingly possesses more than certain amounts of cocaine or heroin.

LD AN ACT TO FIGHT ILLEGAL DRUG USE
1415

PL 1987
c. 420

Sponsor: PARADIS, E., Theriault, Salsbury, Pray
Committee Report: OTP
Amendments Adopted:
H-234 PARADIS, P.

SUMMARY: LD 1415 proposed to revise the laws governing the forfeiture of property used in criminal activity. The bill repealed and replaced the forfeiture statutes found in Title 15 and Title 22 and enacted a new chapter in Title 15 containing the substance of the prior law with 2 major changes. It permitted law enforcement officials to seek the forfeiture of real estate used in the commission of any Class A, B or C crime involving drugs and it limited the discovery process for the forfeiture proceedings. No real estate could be forfeited to the extent that it was owned by an individual who had no knowledge of the criminal use of the property.

House Amendment "A" (H-234) completely redrafted the bill and made the following changes.

1. It limited the forfeiture of real estate to Class A, B and C offenses involving trafficking or aggravated trafficking or furnishing of drugs with the exception of offenses involving marijuana.
2. It provided a presumption of non-complicity for a spouse or minor child of a person convicted of an offense that would allow forfeiture of the spouse or minor child's primary residence that was co-owned with the convicted offender. In such a case, the State has the burden of proving by a preponderance of the evidence that the spouse or minor child had knowledge of or consented to the use of the real estate for criminal purposes.
3. It clarified the disposition of property forfeited to a municipality or county in recognition of that municipality's or county's contribution to the investigation and arrest in a criminal case. In a municipality, the municipal legislative body will determine how to spend the money. In a county, the county commissioners will make that determination.
4. It included provisions to simplify the perfection of titles to vehicles forfeited to the State under the forfeiture law.