

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

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 The bill repealed and replaced the forfeiture statutes found in Title 15 and Title 22 and enacted a new chapter in Title 15 containing the substance of the prior law with 2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.

5. It included the former record-keeping provisions regarding forfeited property formerly found in the Title 22 forfeiture law. This ensures that the Department of Public Safety will remain the central repository of all forfeited property records in the state.

LD AN ACT CONCERNING THE AFFIDAVIT OF PATERNITY PL 1987
1417 c. 187

Sponsor: MAYBURY, Bustin, Bragg, Wentworth
Committee Report: OTP

SUMMARY: LD 1417 requires the consent of the mother of a child before a putative father could have his name entered on the child's birth certificate as the father of the child.

LD AN ACT TO AMEND THE PROBATE CODE TO ALLOW PL 1987
1418 REASONABLE COMPENSATION FOR PUBLIC GUARDIANS c. 295
OR CONSERVATORS

Sponsor: BLACK, Taylor, Hichborn, Dutremble, D.
Committee Report: OTP

SUMMARY: The bill clarifies how and under what circumstances fees may be sought by the Department of Human Services and the Department of Mental Health and Mental Retardation as public guardians. Any fees allowed by the Probate Court to either department as a public guardian are to be placed in an account that can be drawn upon for expenses for filing fees, bond premiums, court costs, and other expenses in the administration of the functions of the public guardian.

LD AN ACT TO SIMPLIFY FEES FOR CERTIFIED COPIES PL 1987
1421 OF DIVORCE REPORTS c. 259

Sponsor: SEWALL, Foster, Lord, Theriault
Committee Report: OTP
Amendments Adopted:
H-177 PARADIS, P.

SUMMARY: LD 1421 proposed to delete the statutorily-set fee of \$2 for obtaining a certified copy of a divorce report from the Registrar of Vital Statistics and replace it with a requirement that the fee reasonably reflect the cost of the service.

House Amendment "A" (H-177) added an allocation section to the bill.