

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

LD AN ACT TO REMOVE STATUTORY PROTECTION FOR THOSE PL 1987
1693 WHO SEXUALLY ASSAULT VOLUNTARY SOCIAL c. 255
COMPANIONS

Sponsor: PARADIS, P., Gauvreau, Maybury, Joseph
Committee Report: New Draft of LD 1083

SUMMARY: The new draft strikes the voluntary social companion defense from the Criminal Code provisions on rape and gross sexual misconduct. The defense provides that the crime of rape or gross sexual misconduct may be reduced from a Class A to a Class B crime if the victim was a voluntary social companion of the defendant at the time of the crime and had, on that occasion, permitted the defendant sexual contact or voluntarily engaged in sexual contact with the defendant. The bill makes such a defense unavailable to a defendant charged with rape or gross sexual misconduct.

LD AN ACT TO CLARIFY THE RIGHT TO PREVENT THE PL 1987
1699 ATTENDANCE OF OR TO REMOVE A COMMITTED OFFENDER c. 299
FROM A DISCIPLINARY HEARING

Sponsor: GILL, Matthews, Z., Taylor, Manning
Committee Report: New Draft of LD 1575

SUMMARY: The original bill, LD 1575, proposed to amend the law granting an imprisoned offender the right to attend his disciplinary hearings in order to allow prison officials to reasonably restrict that right.

The New Draft, LD 1699, redrafted the bill to limit the discretion of prison officials so that the prisoner may be prevented from attending the hearing or removed from the hearing only if his behavior indicates that he is a danger to himself, other persons or property.

LD AN ACT TO GRANT JURISDICTION TO BAIL PL 1987
1700 COMMISSIONERS TO ENSURE THE INTEGRITY OF THE c. 300
JUDICIAL PROCESS

Sponsor: BRANNIGAN, Thistle, Cote, Kilkelly
Committee Report: New Draft of LD 749

SUMMARY: The original bill, LD 749, proposed to substantially broaden the power to issue protective orders in family abuse situations. Its major provisions included:

1. Adding the crimes of sexual abuse of minors and unlawful sexual contact to the list of crimes which can justify a protective order;

2. Broadening the scope of protective orders to include other family or household members beside the victim; and
3. Authorizing the imposition of bail conditions similar to protective orders in crimes involving domestic abuse.

The New Draft, LD 1700, completely redrafted the bill to avoid constitutional questions related to bail conditions and focused solely on increasing the authority of bail commissioners to issue orders with conditions similar to protective orders. The new draft authorizes bail commissioners to issue any order reasonably calculated to ensure the integrity of the judicial process and the proper administration of justice. The order must be in writing and given to the offender and may be modified or dissolved by the court having jurisdiction over the criminal offense. Violation of such an order is a Class E crime. The entire law is given a sunset date of July 1, 1989.

LD AN ACT TO MAKE CORRECTIONS OF ERRORS AND
1717 INCONSISTENCIES IN THE LAWS OF MAINE

PL 1987
c. 402
EMERGENCY

Sponsor: BRANNIGAN, Paradis, P.

Committee Report: OTP-A

Amendments Adopted:

- S-147 COMMITTEE
- S-152 BRANNIGAN
- S-155 BRANNIGAN
- S-164 BRANNIGAN
- S-167 BRANNIGAN
- S-168 BRANNIGAN

SUMMARY: LD 1717 makes nonsubstantive changes required by technical errors in drafting, printing or enacting conflicting legislation.

LD AN ACT TO AMEND THE JUVENILE CODE RELATING TO
1737 THE QUESTIONING OF JUVENILES

PL 1987
c. 367

Sponsor: HEPBURN, Matthews, Z., Rolde

Committee Report: New Draft of LD 1177

SUMMARY: The new draft permits a law enforcement officer to question an arrested juvenile without the juvenile custodian's presence or consent in a limited circumstance, when the officer has made a reasonable effort to contact the custodian, cannot do so, and seeks to question the juvenile about continuing or imminent criminal activity.