

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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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

Sponsor: BRANNIGAN, Paradis, P., Black
Committee Report: New Draft of LD 1318

SUMMARY: The original bill, LD 1318, proposed to make several changes, both technical and substantive, to the criminal laws. The following are the major substantive changes proposed by the bill:

1. Defining "serious bodily injury" to include any fracture of a bone or the nose;
2. Making it a crime for a psychiatrist or psychologist to engage in sexual activity with a current patient;
3. Increasing the severity of the crime of possession of cocaine from Class D to a Class C offense; and
4. Clarifying the method of calculating good time.

The New Draft, LD 1738, deleted all of the described substantive changes and retained only the technical corrections and clarifications made in the bill.

LD AN ACT CONCERNING THE TAKING OF FINGERPRINTS
1739 AND SUBMISSION TO THE STATE BUREAU OF
IDENTIFICATION

Sponsor: BRANNIGAN, Sewall, Paradis, P., Lacroix
Committee Report: New Draft of LD 816
Amendments Adopted:
S-231 BRANNIGAN

SUMMARY: The new draft makes it clear that the State Bureau of Identification has the primary responsibility to collect and maintain consolidated identification and criminal record information and such information for those arrested as fugitives from justice. However, responsibility for records of motor vehicle violations rests with the Secretary of State and for records of violations of Title 12 rests with the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife.

The new draft also clarifies law enforcement agency fingerprinting duties, including:

the requirement that a law enforcement agency take the fingerprints of persons charged with any criminal offense, other than a crime under Title 12 or 29

authority for the taking of palm prints, footprints,
and photographs;

establishing which law enforcement agency is
responsible for securing mandatory fingerprints under
various circumstances;

establishing the duty of the law enforcement agency
taking fingerprints to submit the prints to the State
Bureau of Identification; and

establishing 3 types of fingerprint record forms for
use in submitting prints to the State Bureau of
Identification.

LD AN ACT TO PREVENT CRIMINALS FROM PROMOTING AS INDEF PP
1775 AN INDIRECT RESULT OF THEIR CRIME
Sponsor: SEAVEY, Marsano, Gauvreau, Brannigan
Committee Report: New Draft of LD 1091

SUMMARY: The new draft sought to require the establishment
of an escrow account in the Attorney General's Office for
the receipt of funds generated by contracts with persons
accused of or convicted of crime for the reenactment of
that crime through print, film, recording, live, or
broadcast media. The funds were to be used for payment of
money judgments obtained in civil actions by victims of a
crime against the accused or convicted perpetrator. If an
accused person is acquitted, any of his funds in the escrow
account were to be returned to him. In any event, funds
were to be released from the escrow account to the
convicted person within 5 years of the establishment of the
fund or within 5 years of the convicted person's release
from prison, whichever is later.

LD AN ACT TO ENHANCE THE MARKETABILITY OF TITLES PL 1987
1776 c. 385

Sponsor: DORE, Gauvreau
Committee Report: New Draft of LD 307

SUMMARY: The new draft permits the clearing of title to a
proposed, unaccepted way laid out on a recorded subdivision
plan when the municipality has not vacated the way. When
certain conditions are met, the proposed unaccepted way is
deemed to be vacated. Persons claiming to own a proposed,
unaccepted way deemed vacated may initiate a procedure that
will confirm their ownership. The new draft also protects
the owners of structures built within a proposed,
unaccepted way by prohibiting actions to remove such
structures after the passage of 20 years.