

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1988

MEMBERS

Sen. Joseph C. Brannigan *
Sen. N. Paul Gauvreau
Sen. Henry W. Black

Rep. Patrick E. Paradis *
Rep. Daniel E. Warren
Rep. Harry L. Vose
Rep. Constance D. Cote
Rep. Gerard P. Conley, Jr.
Rep. Dale F. Thistle
Rep. Mary H. MacBride
Rep. Jeanne F. Begley
Rep. Dana C. Hanley
Rep. Francis C. Marsano

* Denotes Chair

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HARTLEY PALLESCHI, JR. RES. ASST.

**ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST & SECOND SPECIAL SESSIONS
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1988**

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 for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

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

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Laurette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

SPONSOR(S)
PEARSON
CASHMAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-373

SUMMARY

LD 2248 extended the description of the Penobscot Indian Reservation in the Maine Indian Land Claims Settlement Act to include land to be obtained from Bangor Hydro-electric Co. in exchange for present reservation land to be flooded by a new dam.

Committee Amendment "A" (S-373) stripped the emergency from the LD and added the necessary certification clause.

SPONSOR(S)
BRANNIGAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-508 PEARSON

FOSTER
ALLEN
MURPHY T

SUMMARY

The bill requires the Judicial Council to carry out a pilot program extending the process of mediation to Superior Court civil cases. The program will commence on September 1, 1988 and terminate on March 1, 1990. The council will submit a final report to the Legislature accompanied by its recommendations, including any necessary implementing legislation, no later than July 1, 1990.

SPONSOR(S)
MARTIN J
PARADIS P

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

LD 2285 proposed minor technical changes to the law enacted last session regarding the disclosure process in enforcing court judgments and proposed 2 substantive revisions. It proposed to eliminate the requirement that an execution be filed with the disclosure subpoena if judgment had been entered by the same court. It also proposed to remove the requirement that a creditor file an affidavit with the court stating that the creditor knows of no good reason why a debtor has failed to appear in order to have a civil order of arrest issued or to have the debtor served with a contempt subpoena.

The proposal to eliminate the filing of affidavits was incorporated, with minor changes, into the Committee Amendment to LD 2115.

LD An Act to Amend the Sentencing Provisions of the Maine PUBLIC
2312 Criminal Code 808

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
PARADIS P	OTP-AM	MAJ	H-720 MAJ REP
CARTER	ONTP	MIN	
BERUBE			
BLACK			

SUMMARY

LD 2312 proposed to require a sentencing court to consider the potential impact of good time received by a prisoner when sentencing a convicted criminal and doubled the maximum length of sentences for all Class A, Class B and Class C crimes.

Committee Amendment A (H-720) rewrote the LD, retaining the requirement that sentencing courts consider potential good time credits and increasing the maximum penalty for Class A crimes only from 20 to 40 years, effective July 1, 1989.

LD An Act to Amend the Juvenile Code LV/WD
2337

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BRANNIGAN	LV/WD		
PARADIS P			

SUMMARY

LD 2337 proposed to authorize the interrogation of juveniles out of the presence of the juvenile's parents or legal custodian if the law enforcement agency suspects that the parents or custodian may be involved in criminal activity with the juvenile.

LD An Act to Provide Use Immunity for Witnesses LV/WD
2349

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BRANNIGAN	LV/WD		
PARADIS P			

SUMMARY

LD 2349 proposed to replace Maine's current transactional immunity statute (a person who is forced to testify cannot be prosecuted for the underlying offense) with a use immunity statute (any testimony or evidence derived from the testimony cannot be used against the person who is forced to testify in any later prosecution regarding the underlying offense).