

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1988

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Sen. N. Paul Gauvreau  
Sen. Henry W. Black

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Rep. Dana C. Hanley  
Rep. Francis C. Marsano

\* Denotes Chair

Staff: Gil Brewer, Legal Analyst  
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**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::*

|                  |  |
|------------------|--|
| <b>OTP</b>       | <b>Ought to Pass</b>                         |
| <b>OTP-ND</b>    | <b>Ought to Pass in New Draft</b>            |
| <b>OTP-ND-NT</b> | <b>Ought to Pass in New Draft, New Title</b> |
| <b>OTP-A</b>     | <b>Ought to Pass as Amended</b>              |
| <b>ONTP</b>      | <b>Ought Not to Pass</b>                     |
| <b>LVWD</b>      | <b>Leave to Withdraw</b>                     |
| <b>INDEF PP</b>  | <b>Indefinitely Postponed</b>                |

*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 Lorette 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.*

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

**LD 2312** An Act to Amend the Sentencing Provisions of the Maine Criminal Code PUBLIC 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 2337** An Act to Amend the Juvenile Code LV/WD

| <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 2349** An Act to Provide Use Immunity for Witnesses LV/WD

| <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).