

# 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

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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.*

House Amendment "A" (H-676) provided a transition clause to allow complaint justices to continue serving until August 1, 1988.

**LD** An Act to Address Comprehensively Bail Relative to a **PUBLIC**  
**2456** Defendant in a Criminal Proceeding **758**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
DIAMOND	OTP-AM	H-674
BRANNIGAN		H-688 PARADIS P
PARADIS P		H-741 PARADIS P
FOSTER		

SUMMARY

LD 2456 proposed a total revision of the statutes relating to bail and provided for standards and the procedure under which a court may refuse bail to defendants charged with formerly capital crimes.

Committee Amendment "A" (H-674) rewrote the substantive portions of the LD and made the following changes:

1. It removed the requirement that the State pay the fees of bail commissioners;
2. It permits a criminal defendant to designate the owner of cash put up for bail so as to avoid its potential set-off against other obligations of the defendant;
3. It raises the standard under which a court must refuse bail to a defendant in a formerly capital case from probable cause to clear and convincing evidence; and
4. Made several clarifications in the original language of the LD.

House Amendment "A" (H-688) deletes an appropriation section and fiscal note.

House Amendment "B" (H-741) added a transition clause that permits current bail commissioners to continue in office until 60 days after the effective date of the law.

**LD** An Act to Amend Maine's Domestic Relations Laws **PUBLIC**  
**2465** **721**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
ALLEN	OTP-AM	H-601
KILKELLY		

SUMMARY

LD 2465 proposed to require courts to apply the Department of Human Service's child support scale in divorce cases, to prevent the award of 3rd-party visitation privileges except where both parents of the child consented, and limited the extent of financial discovery in divorce actions.