

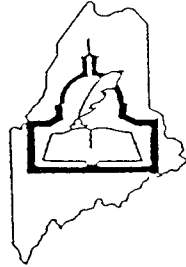
# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JUNE 1990

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Todd R. Burrowes, Legislative Analyst

Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207) 289-1670

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STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

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 for 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. Committee Reports and Floor Action are abbreviated as follows:

OTP  
OTP-ND  
OTP-ND-NT  
OTP-A  
ONTP  
LVWD  
INDEF PP

Ought to Pass  
Ought to Pass in New Draft  
Ought to Pass in New Draft, New Title  
Ought to Pass as Amended  
Ought Not to Pass  
Leave to Withdraw  
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

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

**An Act to Increase the Penalty for Vehicular Manslaughter  
and to Remove the Habitual Drunk Driver Offender from the  
Highways****SPONSOR(S)**PARADIS P  
BUSTIN  
NORTON  
GRAHAM**COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**H-1061  
H-1097 PARADIS P**SUMMARY**

The original bill changed the classification of vehicular manslaughter from Class B to Class A. It required a valid, nonsuspended drivers' license to register a vehicle and increased the time period for calculating previous violations from 6 years to 10 years. It increased the fine for 4th and subsequent OUI offenses to \$1,000, and increased the class for OUI with 3 or more previous OUIs. It allowed seizure of a motor vehicle lent to a person driving while under the influence. It made the person operating under the influence responsible for emergency response costs. It allowed the court to take physical custody of the registration and plates of a person under suspension.

Committee Amendment "A" (H-1061) replaced the bill. It makes vehicular manslaughter a Class A crime unless only a civil violation (as opposed to a crime) is involved. It provides for a maximum fine of \$25,000 for any natural person convicted of a Class A crime. It includes emergency response costs as an allowable item of restitution. The amendment makes the 4th OUI a Class C crime, with a minimum fine of \$1,000. It also provides for the forfeiture of the motor vehicle of the sole owner-operator upon the conviction for operating after suspension while operating under the influence. The amendment requires the court to suspend the registration when suspending a person's license, requires the person to turn in the plates and registration and allows a law enforcement officer to confiscate the suspended registration and plates. Family members may reregister without an extra fee.

House Amendment "A" to Committee Amendment "A" (H-1097) clarifies the procedure for the mandatory seizure of a vehicle.

**An Act to Implement the Recommendations of the Court  
Jurisdiction Study (Reported Pursuant to a Study Authorized  
by the Legislative Council)****SPONSOR(S)****COMMITTEE REPORT**

OTP-AM

**AMENDMENTS ADOPTED**

S-744 HOBBS

**SUMMARY**

The bill was submitted as the recommendations of the Court Jurisdiction Study. Part A of the bill added the chairs of the Judiciary Committee to the Judicial Council, allowed 2 waivers of court appearance requirements for traffic infractions within a 12-month period, added 2 computer specialists and a district court judge, and integrated the Administrative Court into the District Court. Part B established the Commission on Criminal Penalties in the Maine Revised Statutes. Part C established the Commission to Study the Future of Maine's Courts.

Committee Amendment "A" (H-1077) struck out the proposal to merge the Administrative Court into the District Court. It gave the Chief Justice of the Supreme Judicial Court the authority to direct a Justice of the Superior Court to sit in the District Court or Administrative Court, and a Judge of the District Court to sit in the Administrative Court. It revised the organization of judicial divisions in the State to consolidate the Eastern Cumberland division and the Sagadahoc division into the Bath-Brunswick division. It deleted the appropriation for 2 computer specialists and one District Court Judge. It reduced the class of crime for operating a motor vehicle after suspension from a Class D crime to a Class E crime, but established a minimum mandatory fine of \$200 for all 2nd and subsequent