

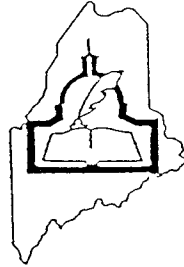
MAINE STATE LEGISLATURE

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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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**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.

LD 2314 An Act to Increase the Penalty for Vehicular Manslaughter and to Remove the Habitual Drunk Driver Offender from the Highways

PUBLIC 872

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P BUSTIN NORTON GRAHAM	OTP-AM	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.

LD 2328 An Act to Implement the Recommendations of the Court Jurisdiction Study (Reported Pursuant to a Study Authorized by the Legislative Council)

PUBLIC 891

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	OTP-AM	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

offenses. The current maximum fine of \$2,500 was unchanged. It authorized the Chief Justice of the Superior Court and the Chief Judges of the District Court and Administrative Court to develop and implement a pilot project regarding the handling of family law and other cases. It added 2 members of the Joint Standing Committee on Legal Affairs to the Commission on Criminal Penalties in the Maine Revised Statutes, and clarified that fines would be included in the commission's study. It also changed the appointing and reporting dates to be consistent with Legislative Council guidelines.

It added the chair of the Family Law Section of the Maine State Bar Association and the State Court Administrator as members of the Commission to Study the Future of Maine's Courts, and required the chair of the commission to request that the Chief Justice of the Supreme Judicial Court appoint 5 advisory members to represent the Administrative, District, Superior and Supreme Courts. The amendment also required the chair of the commission to call the first meeting only if sufficient funding was obtained for the commission to begin carrying out its duties. If sufficient funding exists from sources other than the General Fund, the chair must call the first meeting by November 15, 1990. If the commission were unable to raise sufficient funds by November 15, 1990, it would not meet at all. The amendment clarified that the commission may solicit and receive funds from any source. It also clarified that the chair may solicit funds on behalf of the commission prior to the first meeting. The Administrative Office of the Courts will administer the budget of the commission, but will not provide funds for the commission. The commission will go out of existence if it is unable to raise sufficient funds to carry out its duties. The commission is authorized to contract for administrative, professional and clerical services. It required the Commission to Study the Future of Maine's Courts to examine the issue of appellate jurisdiction, and to review and consider implementing the recommendations of the Maine Commission on Legal Needs. It changed the final reporting date of the commission to November 15, 1992. (Not adopted)

Senate Amendment "A" to Committee Amendment "A" (S-681) changed appointing limitations. (Not adopted)

Senate Amendment "A" (S-744) makes the changes included in Committee Amendment "A", except that it deletes the Commission on Criminal Penalties. (The subject matter will be part of an OPLA research project approved by the Legislative Council.)

LD 2335 An Act to Amend the Drug Laws Pertaining to Lysergic Acid LV/WD
Diethylamide

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RICHARDS	LV/WD	
MACOMBER		
DELLERT		
COTE		

SUMMARY

The bill transferred LSD from Schedule X to Schedule W, established presumptive levels for furnishing and trafficking in LSD and included the costs of cleaning up drug laboratories as an item of restitution.

Incorporated into Joint Order Bill, LD 2474.