

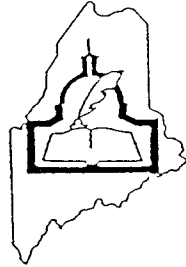
MAINE STATE LEGISLATURE

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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.

Senate Amendment "A" (S-650) gave the court discretion in whether to discharge an application for involuntary commitment if the 2 examiners find that the person is not mentally ill or does not pose a likelihood of serious harm. (Not adopted)

House Amendment "A" (H-1047) gave the court discretion in whether to discharge an application for involuntary commitment if the 2 examiners find that the person is not mentally ill or does not pose a likelihood of serious harm. (Not adopted)

House Amendment "B" (H-1080) corrects a technical error.

**LD 2423 An Act to Clarify the Laws on Manslaughter in the Workplace PUBLIC 873
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TRACY BUSTIN NUTTING PARADIS P	OTP-AM	H-1058

SUMMARY

The bill amended the workplace manslaughter law to exempt volunteer or minimally-paid public workers who respond to life-threatening situations, when forced to make decisions reasonably calculated to save a human life.

Committee Amendment "A" (H-1058) clarifies the language in the bill to exempt volunteer and minimally-compensated public workers and to exempt public employees responding to or acting at life-threatening situations when they are forced to make decisions reasonably calculated to save a human life.

LD 2458 An Act to Provide Greater Protection Under the Domestic Abuse Laws (Reported Pursuant to Joint Order SP971) PUBLIC 862

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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SUMMARY

This bill was introduced pursuant to Joint Order S.P. 971, and replaces LD 2177 and LD 2287.

The bill:

1. Excludes assaults and violations of the domestic abuse protective laws from the dismissal provision of accord and satisfaction;
2. Repeals the current section describing the purpose of the chapter addressing domestic violence in Title 19 and replaces it with clearer language;
3. Amends the definition of abuse to clarify and broaden its application; the language covers any course of conduct that places a person in fear of bodily injury;
4. Adds 3 new types of conduct to the definition of abuse. These include compelling a person to engage in or abstain from conduct that the person has a right to engage in or abstain from, restricting substantially the movements of another person and terrorizing;

5. Amends the definition of family or household members for the purposes of the protection from abuse laws to include individuals presently or formerly living together as sexual partners;
6. Repeals and replaces Title 19, section 764, subsection 2, that outlines the assistance that a plaintiff or alleged victim is entitled to receive from the court when that person files a complaint;
7. Requires the forms used to file a complaint to obtain a protective order to be uniform throughout the State and that the summons contain a section to list places where the defendant or alleged abuser may be found;
8. Amends Title 19, section 765. If a judge denies a request for temporary, emergency or interim relief, a full hearing must be held as soon as practicable. If a request for temporary relief is made, the ex parte proceeding must be heard and determined as expeditiously as possible. The wording regarding what evidence constitutes good cause is amended to delete the reference to "physical" abuse. Under this bill, immediate and present danger of abuse constitutes good cause;
9. Requires a judge who is considering denial of temporary, emergency or interim relief to afford the plaintiff an opportunity to be heard in person and to be accompanied by a person of the plaintiff's choice at the time. The judge must also give reasons for the denial;
10. Addresses the service of a temporary order;
11. Amends the current laws so that a temporary order will remain in effect until a final order, if issued, can be served;
12. Requires the court to make a finding of abuse under a consent agreement unless the parties voluntarily request that no finding of abuse be made;
13. Amends Title 19, section 766 so that only the defendant and not the plaintiff can be ordered by the court to receive counseling upon issuance of a protective order;
14. Adds 3 new subsections to Title 19, section 766. Subsection 7 precludes the issuance of an order for protection or restraint against the plaintiff unless the defendant files a complaint and the court finds the plaintiff committed the alleged abuse. Subsection 8 states that the plaintiff's actions can not modify or extinguish an order and that no criminal sanction can be placed upon the plaintiff for violation of any provision of an order. Subsection 9 outlines the manner in which the court shall determine child support if necessary and mentions the filing of income affidavits;
15. Prohibits mandatory mediation;
16. Amends the definition of the crime of violation of a protection order to make it clear that the defendant does not have to have been served in hand, if the defendant has actual notice of the order;
17. Adds 2 new subsections to Title 19, section 770. Subsection 7 requires each of the various law enforcement agencies to adopt a written policy on the handling of domestic abuse cases by December 1, 1990. Subsection 8 requires the Attorney General to develop a model policy for prosecution and for the various district attorneys to adopt a written policy by June 1, 1991; and
18. Creates the Maine Commission on Domestic Abuse which is charged with the responsibility of continuing to study and advise the 3 branches of government on domestic violence.