

# MAINE STATE LEGISLATURE

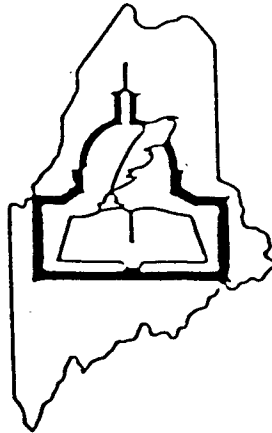
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STATE OF MAINE  
ONE HUNDRED AND TWELFTH LEGISLATURE  
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON  
JUDICIARY  
BILL SUMMARY



MAY 1986

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ONE HUNDRED AND TWELFTH LEGISLATURE  
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BILL SUMMARIES  
MAY 1986

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, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD 2142 AN ACT TO CLARIFY THE APPLICABILITY OF THE MAINE TORT CLAIMS ACT AND TO LIMIT THE PERSONAL LIABILITY OF GOVERNMENTAL ENTITY EMPLOYEES PL 1985 c. 599

Sponsor: MANNING, Allen, Paradis, P., Chalmers  
Committee Report: New Draft of LD 1820.

SUMMARY: LD 2142 clarifies and confirms the applicability of the statute of limitations and limitations on damages provided by the Maine Tort Claims Act to all actions brought against governmental employees. These provisions are retroactively effective to the date on which the Maine Tort Claims Act became effective.

LD 2142 also extends to municipal and county employees the same limits on personal liability that exist for state employees. Finally, the bill requires the State and political subdivisions to insure its employees, either by self-insurance or by the purchase of insurance, against personal liability to a \$10,000 limit under the terms and conditions of the Maine Revised Statutes, Title 14, section 8103.

LD 2156 AN ACT TO BETTER PROTECT ADULTS AND ABUSED CHILDREN RESIDING IN ADULT AND CHILD CARE FACILITIES LVWD

Sponsor: NELSON, Bustin, Melendy, Kimball  
Committee Report: LVWD

SUMMARY: This bill sought to allow out-of-court statements to be admitted into evidence in Administrative Court proceedings related to allegations of abuse or neglect in licensed adult and child care facilities. The bill was withdrawn pending a report of a Department of Human Services study of abuse in these facilities.

LD 2158 AN ACT TO ELIMINATE EXEMPTIONS FROM JURY SERVICE PL 1985 c. 608

Sponsor: KANE, Carpenter, Chalmers, Cooper  
Committee Report: New Draft of LD 1932.

SUMMARY: This bill eliminates exemptions from jury service for the following: clerks and assistant clerks of courts, the Secretary and Treasurer of State, all officers of the United States, judges of probate, and counselors.

Exemptions are retained for the Governor, judges, physicians and dentists providing active patient care, sheriffs, attorneys, and members of the state military force while on active duty.

LD            AN ACT TO EXTEND THE JUDICIAL CERTIFICATION            PL 1985  
2178        PROCEDURES TO INSTITUTIONS HOUSING MENTALLY            c. 615  
             RETARDED PERSONS

Sponsor: PRAY, Bustin, Carpenter, Diamond, J.  
Committee Report: New Draft of LD 1924.

SUMMARY: At present, mentally retarded persons residing at Pineland Hospital receive the protections of a judicial certification procedure designed to guarantee the patient's ability to be placed in the least restrictive environment necessary. This bill provides for dually diagnosed persons (persons diagnosed as both mentally retarded and mentally ill) the same independent judicial review of placement in the Augusta Mental Health Institute or the Bangor Mental Health Institute that exists for mentally retarded people at Pineland Hospital.

This bill also eliminates the possibility that a person who is admitted to one of the mental health institutions will have to undergo two separate determinations that he should be admitted because of mental retardation and mental illness. After a period of six months, there must be a judicial determination under the mental retardation procedures that the person should continue hospitalization.

As is required by current law for Pineland patients, if it is determined that the sole reason for placement of the mentally retarded person at the mental health institute is the lack of availability of less restrictive alternatives, every six months the Department of Mental Health and Mental Retardation will be required to explain to the court what steps the department has taken to secure alternative placement.

LD            AN ACT RELATING TO THE TRANSFER OF AUTHORITY            ND LD 2379  
2235        FROM THE DISTRICT COURTS TO THE SECRETARY OF  
             STATE TO ADJUDICATE THE COMMISSION OF  
             TRAFFIC INFRACTIONS

Sponsor: THERIAULT, Sewall, Erwin, E., Paradis, P.  
Committee Report: OTP-ND

SUMMARY: See New Draft, LD 2379.