

MAINE STATE LEGISLATURE

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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1988

MEMBERS

Sen. Joseph C. Brannigan *
Sen. N. Paul Gauvreau
Sen. Henry W. Black

Rep. Patrick E. Paradis *
Rep. Daniel E. Warren
Rep. Harry L. Vose
Rep. Constance D. Cote
Rep. Gerard P. Conley, Jr.
Rep. Dale F. Thistle
Rep. Mary H. MacBride
Rep. Jeanne F. Begley
Rep. Dana C. Hanley
Rep. Francis C. Marsano

* Denotes Chair

Staff: Gil Brewer, Legal Analyst
Martha Freeman, Legal Analyst

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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::

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

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 Laurette 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.

credit union would thus have been liable only for negligence personal to the director or for intentional torts of the director. This issue is addressed in LD 2520.

LD An Act to Amend the Maine Tort Claims Act to Remove Joint LV/WD
358 and Several Liability for Government Entities

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MANNING	LV/WD		
CURRAN			

SUMMARY

The bill sought to limit the liability of governmental entities and governmental employees sued under the Maine Tort Claims Act to damage awards not exceeding the extent of an entity's or employee's actual negligence.

LD An Act to Abolish Joint and Several Liability ONTP
526

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
RUHLIN	ONTP	MAJ	
DAVIS	OTP-ND-NT	MIN	
PARADIS P			
COLLINS			

SUMMARY

Replaced by LD 2524.

LD An Act Regarding Liability for Foster Parents for Children LV/WD
535 and Adults

<u>SPONSOR(S)</u>	<u>COMMITTEE</u>	<u>REPORT</u>	<u>AMENDMENTS ADOPTED</u>
CLARK M	LV/WD		
COTE			

SUMMARY

The bill sought to provide immunity from civil liability to foster parents of children and adult foster home providers if the foster parent was licensed, approved as meeting standards for licensure, or caring for a child at the request of the Department of Human Services pending licensure or approval. Such a foster parent would not have been immune from civil liability for willful or intentional abuse or neglect, or for gross neglect that resulted in serious harm to the child or adult. In these cases of liability, the damages for a single occurrence would have been limited to \$10,000.