

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
JUDICIARY  
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
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JOINT STANDING COMMITTEE  
BILL SUMMARIES  
JUNE 1987

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 if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

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

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

assume the defense of an employee and to indemnify the employee against any claim arising out of his employment and for which the governmental entity itself is not liable. Under existing law, those acts are discretionary on the part of the government employer. The bill also contained an exception providing that the government need not indemnify the employee if the court finds that the employee acted outside the scope of his employment.

House Amendment "A" (H-158) rewrote portions of the bill and added several provisions. It removed the requirement that the government indemnify an employee for liability within the scope of employment, leaving that action entirely within the discretion of the government, while at the same time providing immunity to government employees for intentional acts or omissions within the scope of their employment except where that action was taken in bad faith on the part of the employee. It also permitted the government to withdraw from representation of an employee if that representation would create a conflict of interest, except that the government must pay the employee's attorney's fees and court costs except when the employee is determined to be criminally liable for the acts in question. Finally, the amendment provided blanket exceptions for cases in which the employee settles the claim independently or fails to provide proper notice to the governmental entity.

**LD** AN ACT PERTAINING TO ADOPTIVE HOME STUDIES LVWD  
**942**

Sponsor: MCPHERSON  
Committee Report: LVWD

SUMMARY: This bill sought to require all prospective adoptive parents to have an adoptive home study completed by the Department of Human Services before any child could be placed with them for adoption. The written home study would have been prepared prior to the prospective adoptive parents petitioning the Probate Court to adopt a child.

**LD** AN ACT TO REQUIRE AGE LIMITATIONS USED IN PL 1987  
**945** APPRENTICESHIP PROGRAMS TO BE REASONABLY c. 55  
RELATED TO LEGITIMATE JOB CRITERIA

Sponsor: CLARK, N., Sewall, Joseph, Hickey  
Committee Report: New draft of LD 123

SUMMARY: The original bill, LD 123, proposed to repeal an exception to the Maine Human Rights Act that permitted apprenticeship programs to use age as a qualification for entry into the program.