

# 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

PREPARED BY:

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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

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

The New Draft, LD 945, instead of simply repealing the exception, proposed to require apprenticeship programs to obtain prior approval from the Human Rights Commission of any maximum age limitation employed in a program. The apprenticeship program must show that the age limitation bears a reasonable relationship to the employer's expectation of a reasonable return upon his investment in training the apprentice. Apprenticeship programs governed by an existing collective bargaining agreement were permitted to continue using their present age restrictions until that agreement expires.

LD AN ACT AUTHORIZING RESTITUTION IN CIVIL  
951 PENALTY ACTIONS

PL 1987  
c. 307

Sponsor: BRANNIGAN, Cote, Gurney  
Committee Report: OTP

SUMMARY: LD 951 proposed to allow the Attorney General to seek a court order of restitution to any person injured by a business's violation of an injunction issued under the Unfair Trade Practices Act.

LD AN ACT TO CONSOLIDATE FAMILY CASES IN A FAMILY  
976 COURT WITHIN THE DISTRICT COURT AND TO  
ESTABLISH FULL-TIME APPOINTED PROBATE JUDGES

LVWD

Sponsor: ANTHONY, Brannigan, Paradis, P., Stanley  
Committee Report: LVWD

SUMMARY: The bill sought to consolidate jurisdiction over family cases (excluding adoptions and guardianships) within the District Court, removing any concurrent or exclusive jurisdiction over family cases from the Superior and Probate Courts. When handling family cases, the District Court would have been known as the Family Court. Assignment of District Court judges to family cases would have required consideration of those best suited to handle family cases. The District Court would have developed a family case data system to keep track of family cases involving different members of one family. All state court facilities would have been available to the District Court for the hearing of family cases. The Family Court would have assessed the appropriateness of cases under its jurisdiction for mediation. Judges and others involved with family cases would have received annual continuing education in family matters. An advisory committee, composed of family professionals and providers, would have advised the District Court on its functioning as the Family Court.

The bill also sought to abolish elected, part-time probate judges. Six appointed, full-time probate judges would have replaced the part-time judges, with three appointed in 1989 and three appointed in 1991. The appointed probate judges would have been under the administrative supervision of the District Court. The nonprobate caseload of the appointed probate judges would have consisted primarily of family cases. Registers of probate remained elected county officers under this bill.

Funding for LD 976 would have been generated from an increase in certain probate fees and a later increase in filing fees for domestic relations cases.

LD            AN ACT TO ACCORD QUALIFIED IMMUNITY FROM TORT            LVWD  
1049        LIABILITY TO EMPLOYERS GIVING RECOMMENDATIONS  
             ABOUT CURRENT OR PAST EMPLOYEES

Sponsor:    JALBERT  
Committee Report:    LVWD

SUMMARY: LD 1049 proposed to raise the standard of proof for a plaintiff who sued his present or former employer for defamation concerning remarks made by the employer about the plaintiff's work performance. In order to prevail in his action under the bill, the plaintiff would have to prove by clear and convincing evidence that the employer made the statement with actual knowledge that the statement was not true or with reckless disregard of its truth.

LD            AN ACT TO STREAMLINE COSTS IN THE CRIMINAL            LVWD  
1059        JUSTICE SYSTEM AND ENSURE THE CONSTITUTIONAL  
             RIGHTS OF INDIGENT DEFENDANTS

Sponsor:    WARREN, Priest, Connolly  
Committee Report:    LVWD

SUMMARY: This bill sought to establish a Public Defender Program to provide for representation of indigent criminal defendants. The State, through the Judicial Department, would have contracted with a group of attorneys to operate the program. The District and Superior Courts would have designated the program to assign an attorney, or a qualified attorney would be assigned by the court, for any defendant without sufficient means to employ counsel. The Maine Supreme Judicial Court would have controlled and supervised this indigent defense system.