

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



JUNE 1987

PREPARED BY:

Martha Freeman and Gilbert Brewer

OFFICE OF POLICY AND LEGAL ANALYSIS
STATE HOUSE, STATION 13 AUGUSTA, MAINE 04333
(207) 289-1670

HELEN T. GINDER, DIRECTOR
HAVEN WHITESIDE, DEP. DIRECTOR
GILBERT W. BREWER
DAVID C. ELLIOTT
GRO FLATEBO
MARTHA E. FREEMAN, SR. ATTY.
JERI B. GAUTSCHI
CHRISTOS GIANOPOULOS
WILLIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
CAROLYN J. CHICK, PARALEGAL
ROBERT W. DUNN, RES. ASST.
HARTLEY PALLESCHI, JR., RES. ASST.
KATHRYN VAN NOTE, RES. ASST.

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

LD AN ACT TO AMEND PROCEDURAL SAFEGUARDS REGARDING LVWD
1320 JUVENILE OFFENDERS

Sponsor: CROWLEY, Diamond, Marsano, Clark, M.
Committee Report: LVWD

SUMMARY: LD 1320 proposed to require juvenile intake workers to document their attempts to meet with the juvenile and his legal custodian and attempts to confer with other intake or social workers.

LD AN ACT TO PROVIDE FOR THE ISSUANCE OF PL 1987
1324 SUMMONSES c. 375

Sponsor: MacBRIDE, Brannigan, Hanley, Priest
Committee Report: OTP-A
Amendments Adopted:
H-260 COMMITTEE

SUMMARY: LD 1324 authorizes the issuance of summonses to compel the appearance of persons who have allegedly committed a Class D or Class E crime outside of a law enforcement officer's presence when the officer has probable cause to believe that the person has committed the offense.

The Committee Amendment (H-260) merely corrected a typographical error in the bill.

LD AN ACT TO REVISE THE HARASSMENT LAW ND LD 1787
1331

Sponsor: RAND, Stevens, P., Gauvreau
Committee Report: OTP-ND (Majority)
ONTP (Minority)

SUMMARY: See New Draft, LD 1787.

LD AN ACT CONCERNING CHILD SUPPORT PAYMENTS AND LVWD
1332 THE METHOD USED BY COURTS IN SETTING PAYMENT LEVELS

Sponsor: WARREN
Committee Report: LVWD

SUMMARY: LD 1332 proposed to enact a comprehensive law governing the determination of child support obligations in divorces involving children and other cases where child support might be ordered. The bill included a specific

formula to be applied by a court in determining the amount of the support awarded and also included the criteria to be considered by the court in applying the formula in an attempt to promote uniformity of awards throughout the state.

LD AN ACT TO AMEND THE MAINE TORT CLAIMS ACT PL 1987
1346 RELATING TO PERSONAL LIABILITY OF EMPLOYEES c. 110
OF A GOVERNMENTAL ENTITY

Sponsor: HOGLUND, Brannigan, Allen, Rand
Committee Report: New Draft of LD 261

SUMMARY: The bill amends a section of the Tort Claims Act to make it clear that that section, 14 MRSA §8103 (3), does not establish an independent statutory basis for liability. The bill also limits the liability for negligence of employees of governmental entities acting within the course and scope of their employment to \$10,000. This limit applies to all claims based on negligence.

LD AN ACT TO AMEND THE MARRIAGE PROHIBITIONS BASED PL 1987
1348 ON CONSANGUINITY c. 126

Sponsor: MARTIN, J., Paradis, J.
Committee Report: New Draft of LD 543
Amendments Adopted:
H-90 HOUSE

SUMMARY: The new draft permits first cousins to marry if they receive genetic counseling from a physician. A physician's certificate of receipt of such counseling must be provided by first cousins to the town clerk at the time of recording of their marriage intentions. The clerk may not issue a marriage license to first cousins unless the clerk has received the required physician's certificate.

LD AN ACT RELATING TO ENFORCEMENT OF ACCESSIBILITY PL 1987
1349 STANDARDS FOR PLACES OF PUBLIC ACCOMMODATIONS c. 112

Sponsor: ANDREWS, Gauvreau, Warren, Paradis, P.
Committee Report: New Draft of LD 282

SUMMARY: The bill amends the Human Rights Act to require that the builder of a public accommodation obtain a certification from a design professional that the facility meets certain standards of construction to make the building accessible to the physically handicapped. The standards of construction referred to in the bill are the 1986 standards adopted under Title 25, chapter 331 pertaining to accessible routes, doors, toilet stalls, and