

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

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

tactile warnings on doors to hazardous areas. "Public accommodations" covers places constructed as public accommodations on or after January 1, 1988, and the remodeling of public accommodations after that date where the remodeling cost exceeds \$150,000. If a municipality inspects buildings for compliance with construction standards, it must inspect a public accommodation for compliance with the standards of construction for access by the physically handicapped. When such an inspection takes place, the municipality may not permit the facility to be occupied unless it is in compliance with the standards of construction.

LD AN ACT RELATING TO THE UNIFORM LIMITED PARTNERSHIP ACT LVWD
1371

Sponsor: MARSANO, Warren, Conley
Committee Report: LVWD

SUMMARY: LD 1371 proposed to repeal and replace the current Uniform Limited Partnership Act with the latest version approved by the National Conference of Commissioners on Uniform State Laws with certain amendments enacted by various other states which have adopted the new uniform act.

LD AN ACT RELATING TO PRIVATE CITIZENS BEING REIMBURSED BY LOCAL POLICE DEPARTMENTS IN CERTAIN PROSECUTIONS INDEF PP
1384

Sponsor: WARREN, Conley
Committee Report: OTP-A
Amendments Adopted:
H-202 COMMITTEE

SUMMARY: LD 1384 proposed to allow reimbursement to persons who are arrested in bad faith. If a person is found to be not guilty of any crime charged against him and the presiding judge also finds that the arresting officer knew that he had no legal right to make the arrest, the court could order the police department to reimburse the defendant for his costs of defending the case. The amount of reimbursement awarded under this bill would be deducted from any subsequent award received by the defendant in any civil action against the police officer or town that was based on the same facts.

The Committee Amendment (H-202) broadened the bill to include any law enforcement officer, whether state, county