

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON  
LEGAL AFFAIRS  
BILL SUMMARY



JUNE 1987

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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

LD RESOLVE, TO PERMIT REGINALD AND ALICE HUARD TO RESOLVE 1987  
1570 SUE THE STATE FOR COMPENSATION FOR LOSSES c. 70  
CLAIMED TO HAVE BEEN SUFFERED AS A RESULT OF  
CLAIMS OF CHILD ABUSE INSTITUTED BY THE STATE

Sponsor: CARTER, Kany, Brannigan, Priest  
Committee Report: New Draft of LD 519

SUMMARY: Reginald and Alice Huard operated a nursery school for several years when Reginald Huard was indicted, then acquitted, of child abuse. The Huard's had to close their school and lost their livelihood. The original resolve would authorize the Huards to sue the State for damages they claimed to have suffered based on the alleged false claims of child abuse, for up to \$150,000.

The New Draft authorizes the Huards to sue the State for up to \$75,000. The New Draft clarifies that the resolve does not waive the State's sovereign immunity for the purposes of the U. S. Civil Rights Act.

LD AN ACT RELATING TO THE PURCHASE OF ALCOHOLIC PL 1987  
1571 BEVERAGES BY MINORS c. 426

Sponsor: McSWEENEY, Conley  
Committee Report: New Draft of LD 685

SUMMARY: The original bill attempted to give a judge the option of sentencing a minor to community service, rather than a civil forfeiture, for buying or possessing liquor. However, as drafted, it was unclear whether the community service was an alternative to or in addition to the civil forfeiture which the statute prohibited the judge from suspending.

The New Draft specifically exempts from the mandated imposition of the civil forfeiture in cases in which the judge chooses to impose community service as a penalty.

LD AN ACT TO ENSURE THAT THE GENERAL PUBLIC DOES PL 1987  
1577 NOT HAVE ACCESS TO LICENSED GAMES OF CHANCE c. 314

Sponsor: DILLENBACK, Tupper, Paul, Usher  
Committee Report: OTP-A  
Amendments Adopted:  
S-113 COMMITTEE

SUMMARY: This bill provides a definition of "member" for the purposes of the games of chance laws. It also ensures that bona fide nonprofit organizations cannot circumvent the law prohibiting the participation by nonmembers as a regular occurrence.

Committee Amendment "A" (S-113) reduces the waiting period established by the bill before a new member may participate in the organization's games of chance.

LD AN ACT TO CLARIFY THE POWERS OF ARREST OF A PL 1987  
1582 PROBATION AND PAROLE OFFICER c. 315

Sponsor: WHITMORE, Strout, D., Manning, Carroll  
Committee Report: OTP

SUMMARY: The current law governing the powers of arrest of a probation and parole officer are defined, in part, under Title 17-A and Title 34-A. This creates confusions when probation and parole officers arrest violators and attempt to have the courts revoke probation. This bill clarifies that a probation and parole officer may arrest a person under the supervision of the Division of Probation and Parole, rather than just those under the supervision of that officer. This does not change the powers of arrest of these officers.

LD AN ACT TO ESTABLISH A PRESIDENTIAL PRIMARY IN INDEF PP  
1595 MAINE

Sponsor: KANY, Dutremble, D., Martin, H., Hichborn  
Committee Report: New Draft Maj Report of LD 328  
Amendments Adopted:  
S-80 KANY

SUMMARY: The original bill would establish a presidential primary for each party which certifies that there is a contest among candidates for nomination as the presidential candidate of that party. The primary would be held the first Tuesday in March or the same date as the New Hampshire primary, whichever is earlier, but not before January 1st.

The New Draft would allow the parties to set the date of the primary.

Senate Amendment "A" (S-80) makes a technical correction in the appropriation section.

Senate Amendment "B" (S-293) (not adopted) would require that the party or parties holding a presidential primary pay the costs of ballot printing and distribution.