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

PREPARED BY:

Margaret J. Reinsch, Legislative Analyst

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

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ARTLEY PALLESCHI, JR., RES. ASST.
KATHRYN VAN NOTE, RES. ASST.

STATE OF MAINE OFFICE OF POLICY AND LEGAL ANALYSIS HARTLEY PALLESCHI, JR., RES. ASST. KATHRYN VAN NOTE RES. ASST.

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

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

Sponsor: RUHLIN, Bustin, Hale, Greenlaw Committee Report: New Draft of LD 972 Amendments Adopted: H-225 SMITH

H-235 PRIEST

SUMMARY: The original bill would require all paid and volunteer fire departments to meet upgraded minimum standards for training, safety and protective clothing and equipment by a certain date.

The New Draft requires that all training be in accordance with the National Fire Protection Association standards. It also requires that all purchases by departments of new protective equipment meet certain NFPA standards. Donated equipment or purchases of used equipment are exempted.

House Amendment "A" (H-225) exempts volunteer fire associations from the requirement of providing protective equipment for each firefighter in the association. The association must provide the equipment for at least 2 firefighters. A firefighter is still required to use protective equipment when exposed to a hazard for which the equipment is provided.

House Amendment "B" (H-235) makes the definitions of "fire department" and "firefighter" conform to the Title 30 definitions.

LD 1687

RESOLVE, AUTHORIZING DOROTHY GAMMON TO BRING CIVIL ACTION AGAINST THE STATE AND CUMBERLAND COUNTY

RESOLVE 1987 c. 46

Sponsor: MANNING Committee Report: New Draft of LD 458 Amendments Adopted: H-300 MANNING

SUMMARY: Dwayne Lakin was a prisoner at the Maine State Prison in Thomaston. He was sent to the Cumberland County Jail because of overcrowding at the State prison. He was then transferred to the Portland Safety Building from which he was released on his promise to return shortly. Within hours he severely beat and raped Dorothy Gammon, then fled out of state. Ms. Gammon was not notified with Mr. Lakin was taken into custody in Florida.

The original bill would authorize Dorothy Gammon to sue both the State and Cumberland County for up to \$300,000 or the insurance policy limits, whichever is higher.

The New Draft authorizes Ms. Gammon to sue the State and County for a total of no more than \$50,000.

House Amendment "A" (H-250) (not adopted) would clarify the language of the resolve concerning the liability of and damages awarded against the State and county. It would also provide that the liability and defenses of the employees, as established by the Maine Tort Claims Act, would not be changed. Third, it would make the limit of liability \$50,000 or the insurance policy limits, whichever is higher.

House Amendment "B" (H-300) does much the same as House Amendment "A" proposed, but clarifies that the liability limit is raised to the insurance policy limits only for the governmental entity covered by that policy.

House Amendment "C" (H-301) (not adopted) would clarify that the employees could not be sued as individuals.

LD AN ACT RELATING TO CATERING SERVICES UNDER THE PL 1987 C. 360

Sponsor: ERWIN, E., Jacques Committee Report: New Draft of LD 131 Amendments Adopted: H-244 PRIEST

SUMMARY: Current law requires qualified catering services to make \$50,000 in gross annual income if full-time and \$25,000 in gross annual income if operating part-time to qualify for a liquor license. The original bill made the requirements the same as for Class A restaurants: The volume of business varies with the population where the establishment is located.

The New Draft redrafts the bill to conform to the recodification of the liquor laws.

House Amendment "A" (H-241) (not adopted) would add a reduced requirement for small towns (technical error).

House Amendment "B" (H-244) does what House Amendment "A" proposed, but without the technical error.