

# 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  
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 CLARIFY AND LIMIT PERSONAL LIABILITY  
1777 OF VOLUNTEER FIREMEN AND VOLUNTEER AMBULANCE  
DRIVERS

PL 1987  
c. 386  
EMERGENCY

Sponsor: KILKELLY, Coles, Cahill, Sewall  
Committee Report: New Draft of LD 907

SUMMARY: The new draft clarifies the Maine Tort Claims Act's application to volunteer firefighters who are members of a volunteer fire association receiving some funding from or otherwise officially recognized by a municipality and to the association itself. The bill also amends the Tort Claims Act to cover clearly emergency medical service personnel acting for a nonprofit, incorporated, licensed ambulance service or first responder service and such service itself. To be included in the Tort Claims Act the service must receive some funding, or otherwise be officially recognized, by a governmental entity. The governmental entity may expressly authorize the emergency medical service to perform only certain activities on its behalf. In such a case, the emergency medical service would not be covered by the Tort Claims Act when it is acting outside the scope of those authorized activities.

LD AN ACT TO REVISE THE HARASSMENT LAW  
1787

PL 1987  
c. 515

Sponsor: RAND, Stevens, P., Gauvreau  
Committee Report: ND Maj Rpt of LD 1331  
Amendments Adopted:  
S-188 GAUVREAU  
S-287 PEARSON

SUMMARY: The new draft protects any person, family or their property or advocate from any repeated act of intimidation, harassment, physical force or threat of physical force directed at the person, family, property, or advocate with the intention of causing fear or intimidation or to deter free exercise or enjoyment of any rights or privileges secured by the Maine and United States Constitutions. The bill provides for these individuals a method of obtaining a court order to protect them from further harassment, which may initially be a temporary ex parte order provided:

the court finds that the plaintiff may be in immediate and present danger of physical abuse or may suffer extreme emotional distress;

the court finds that the plaintiff has indicated whether or not he has contacted law enforcement officials;

the court finds the plaintiff has presented sufficient evidence to substantiate the alleged harassment;

when reasonable, the court or plaintiff makes an effort to notify the defendant that the plaintiff is seeking a temporary order; and

the court provides written reasons for its temporary order.

The bill's provisions for a full hearing, issuance of a permanent order, and enforcement of an order are similar to those existing in the statutes providing for protection from domestic abuse. The bill also makes harassment as defined in the bill a Class D crime. Finally, the bill requires the State Bureau of Identification to collect information on incidents of harassment.

LD AN ACT TO AMEND CERTAIN PROBATE LAWS  
1805

PL 1987  
c. 392

Sponsor: CROWLEY, Paradis, P. MacBride, Brannigan  
Committee Report: New Draft of LD 802

SUMMARY: The new draft increases fees for filing petitions with registers of probate to probate wills and for filing petitions for appointment of guardians and conservators. The new draft also provides a statutory requirement for the filing of an updated certificate of appointment by the domiciliary foreign personal representative and domiciliary foreign conservator.

LD AN ACT TO AMEND THE MAINE JUVENILE CODE  
1816

PL 1987  
c. 400

Sponsor: STANLEY, Gill, Begley  
Committee Report: New Draft LD 1589

SUMMARY: The new draft authorizes a court to order parents to pay support for a juvenile offender committed to the Department of Human Services. The bill also authorizes payment by parents, if they can afford to pay and it is in the juvenile's best interests, of a juvenile offender's medical or psychological examination for purposes of a dispositional hearing; for the court to condition parental retention of custody of a juvenile or family members' receipt of treatment services; and for the court to return custody of a juvenile to one parent.