

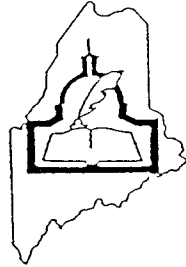
MAINE STATE LEGISLATURE

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STATE OF MAINE
114TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

JUNE 1990

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**One Hundred and Fourteenth Legislature
Second Regular Session**

**Joint Standing Committee
Bill Summaries**

June 1990

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 for each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. Committee Reports and Floor Action are abbreviated as follows:

OTP
OTP-ND
OTP-ND-NT
OTP-A
ONTP
LVWD
INDEF PP

Ought to Pass
Ought to Pass in New Draft
Ought to Pass in New Draft, New Title
Ought to Pass as Amended
Ought Not to Pass
Leave to Withdraw
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

LD 2403

An Act to Preserve the Rights of Certain Litigants in Whistleblower Suits

LV/MD

SPONSOR(S)
ROLDE

COMMITTEE REPORT
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill clarified that any procedural and substantive rights in existence under the Whistleblowers' Protection Act prior to August 4, 1988, still apply to lawsuits pending on that date.

LD 2409

An Act to Promote the Awareness and Responsibility of Owners of Firearms

PUBLIC 809

SPONSOR(S)
MELENDY
CONSTANTINE
HOGLUND
BRANNIGAN

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-996

SUMMARY

The bill required warnings by sellers regarding the possible punishment for allowing a child access to a loaded firearm, established penalties applicable to persons who recklessly leave loaded firearms within access of a child under 16 if the child obtains the weapon and causes bodily injury or death. It established penalties applicable to persons who sell, loan or give firearms to a child under the age of 16 if the child causes bodily harm or death. The bill provided that a parent charged with these crimes could not be arrested during the 7 days after the child was shot. In addition, the bill allowed the district attorney to consider the effect of the death or injury on the parent in deciding whether to prosecute.

Committee Amendment "A" (H-996) replaced the bill. It requires all commercial sellers of firearms to post a warning regarding the possible penalties for leaving firearms and ammunition within the easy access of a child. Three methods of preventing it are listed.

LD 2417

An Act to Improve Protective Services for Incapacitated and Dependent Adults

PUBLIC 858

SPONSOR(S)
AULT
HOLLOWAY
GAUVREAU
PARADIS J

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1041
H-1080 TAMMARO

SUMMARY

The bill authorized the Department of Human Services to appear in Probate Court without an attorney regarding guardianship proceedings. It established special procedural rules for guardianship and conservatorship proceedings, including the admission of hearsay. It provided for disclosure of information to relatives as well as to other individuals or organizations. It also required disclosure of information to the Legislature or executive officials. The bill clarified mandatory reporting to include medical interns. It also clarified language regarding the reporting of people suspected of being incapacitated.

Committee Amendment "A" (H-1041) removes provisions regarding hearsay and disclosure of information to individuals, organizations, the Legislature and executive officials. It clarifies language regarding representation of the Department in Probate Court.