

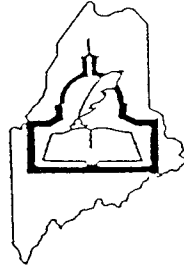
# MAINE STATE LEGISLATURE

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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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Sen. Muriel D. Holloway

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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/WD**

**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.