

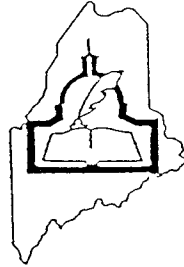
# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JUNE 1990

Staff:

Margaret J. Reinsch, Legislative Analyst  
Todd R. Burrowes, Legislative Analyst

Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207) 289-1670

MEMBERS:

\*Sen. Barry J. Hobbins  
Sen. N. Paul Gauvreau  
Sen. Muriel D. Holloway

\*Rep. Patrick E. Paradis  
Rep. Constance D. Cote  
Rep. Gerard P. Conley, Jr.  
Rep. Patricia M. Stevens  
Rep. Cushman D. Anthony  
Rep. Susan Farnsworth  
Rep. Mary H. McBride  
Rep. Dana C. Hanley  
Rep. Peter G. Hastings  
Rep. John H. Richards

\*Denotes Chair

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
GILBERT W. BREWER  
TODD R. BURROWES  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
JOHN B. KNOX



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL.: (207) 289-1670

PATRICK NORTON  
HARTLEY PALLESCHI  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
JOHN R. SELSER  
HAVEN WHITESIDE  
JILL IPPOLITI, RES. ASST.  
BARBARA A. MCGINN, RES. ASST.  
BRET A. PRESTON, RES. ASST.

**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	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

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.

Senate Amendment "A" (S-650) gave the court discretion in whether to discharge an application for involuntary commitment if the 2 examiners find that the person is not mentally ill or does not pose a likelihood of serious harm. (Not adopted)

House Amendment "A" (H-1047) gave the court discretion in whether to discharge an application for involuntary commitment if the 2 examiners find that the person is not mentally ill or does not pose a likelihood of serious harm. (Not adopted)

House Amendment "B" (H-1080) corrects a technical error.

**LD 2423      An Act to Clarify the Laws on Manslaughter in the Workplace      PUBLIC 873  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
TRACY BUSTIN NUTTING PARADIS P	OTP-AM	H-1058

**SUMMARY**

The bill amended the workplace manslaughter law to exempt volunteer or minimally-paid public workers who respond to life-threatening situations, when forced to make decisions reasonably calculated to save a human life.

Committee Amendment "A" (H-1058) clarifies the language in the bill to exempt volunteer and minimally-compensated public workers and to exempt public employees responding to or acting at life-threatening situations when they are forced to make decisions reasonably calculated to save a human life.

**LD 2458      An Act to Provide Greater Protection Under the Domestic Abuse Laws (Reported Pursuant to Joint Order SP971)      PUBLIC 862**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
-------------------	-------------------------	---------------------------

**SUMMARY**

This bill was introduced pursuant to Joint Order S.P. 971, and replaces LD 2177 and LD 2287.

The bill:

1. Excludes assaults and violations of the domestic abuse protective laws from the dismissal provision of accord and satisfaction;
2. Repeals the current section describing the purpose of the chapter addressing domestic violence in Title 19 and replaces it with clearer language;
3. Amends the definition of abuse to clarify and broaden its application; the language covers any course of conduct that places a person in fear of bodily injury;
4. Adds 3 new types of conduct to the definition of abuse. These include compelling a person to engage in or abstain from conduct that the person has a right to engage in or abstain from, restricting substantially the movements of another person and terrorizing;