

# 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  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**AUGUST 1991**

**MEMBERS:**

*\*Sen. N. Paul Gauvreau  
Sen. Georgette B. Berube  
Sen. Muriel D. Holloway*

*\*Rep. Patrick E. Paradis  
Rep. Constance D. Cote  
Rep. Patricia M. Stevens  
Rep. Cushman D. Anthony  
Rep. Susan Farnsworth  
Rep. Mary R. Cathcart  
Rep. Andrew Ketterer  
Rep. Dana C. Hanley  
Rep. John H. Richards  
Rep. David N. Ott*

**Staff:**

*Margaret J. Reinsch, Legislative Analyst*

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

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
RON CLARK  
RYAN M. DYTTER  
BRO FLATEBO  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
KANE ORBETON



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

KAREN L. HRUBY  
JILL IPPOLITI  
JOHN B. KNOX  
PATRICK NORTON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
HAVEN WHITESIDE  
MILA M. DWELLEY, RES. ASST.  
ROY W. LENARDSON, RES. ASST.  
BRET A. PRESTON, RES. ASST.

**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H - 584 or S - 222), together with the sponsor for floor amendments. Final action on each bill is listed to the right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

These summaries were 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.

If you have any suggestions or comments on these summaries, please let us know.

**LD 1503 An Act to Adopt the English Rule, With Exceptions, for  
Attorney's Fees in Litigation**

**ONTP**

**SPONSOR(S)**  
RICHARDSON

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have made the "English rule," that is, that the losing party in civil litigation should pay the attorney's fees of the winning party, applicable to many forms of civil litigation in Maine. The bill included specific exemptions from the English rule in certain cases. The bill would have instructed the court to award attorney's fees only to the extent that such fees are reasonable. The bill would have allowed the court to allocate the attorney's fees based on the extent to which specific parties prevailed on different issues. The bill would have preserved and strengthened the offer of judgment procedure in the Maine Rules of Civil Procedure, Rule 68, by providing that a party who declines an offer of judgment that is equal to or more favorable than the relief actually obtained has to pay the opposing party's attorney's fees from the date of the offer.

**LD 1508 An Act to Clarify the Scope of Review Obtainable by the  
State When the Defendant Has Appealed to the Law Court in a  
Criminal Case**

**PUBLIC 223**

**SPONSOR(S)**  
PARADIS P  
GAUVREAU

**COMMITTEE REPORT**  
OTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill clarifies that when the defendant appeals from a judgment of conviction, the State may challenge any pretrial court determination that constitutes harmful error without having to cross-appeal and any error harmful to it committed during the trial itself.

**LD 1514 An Act to Limit the Liability of Nonprofit Food Providers  
Who Supply Meals and Other Food to Low-income and Homeless  
Persons**

**CARRIED OVER**

**SPONSOR(S)**  
OLIVER  
GEAN  
LAWRENCE  
CONLEY

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would add specificity to current law providing immunity to persons who donate food or distribute donated food for charitable activities at little or no charge.