

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
BUSINESS LEGISLATION**

AUGUST 1991

Staff:
John B. Knox, Legislative Analyst

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

MEMBERS:

**Sen. John E. Baldacci
Sen. Zachary E. Matthews
Sen. Donald L. Rich*

**Rep. Carl F. Sheltra
Rep. Christopher S. Gurney
Rep. Virginia Constantine
Rep. Nason S. Graham
Rep. Marc J. Vigue
Rep. Jack L. Libby
Rep. Albert G. Stevens
Rep. Harry W. Bailey
Rep. Leslie Kutasi, Jr.
Rep. William F. Reed*

**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



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.

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

**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:

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

**An Act to Establish Ombudsman Positions with the Board of
Registration in Medicine and the Board of Osteopathic
Examination and Registration**

SPONSOR(S)

MCCORMICK

RAND

GWADOSKY

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill establishes 2 ombudsman positions. The ombudsmen will serve as advocates for consumers of medical care and to provide education and information to those consumers. One ombudsman will serve on the staff of the Board of Registration in Medicine and one will serve on the staff of the Board of Osteopathic Examination and Registration. The compensation of both ombudsmen will be paid out of registration fees collected by the 2 boards.

LD 1546

**An Act to Amend the Unfair Trade Practices Act to Allow
Consumers to Recover Damages**

SPONSOR(S)

FARNSWORTH

KONTOS

HOGLUND

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-447

H-637 CHONKO

H-684 SHELTRA

SUMMARY

This bill allows consumers who have been injured by an illegal or unfair trade practice to seek reimbursement from the business for their damages. In order to be eligible for such damages, the consumer must contact the business before filing suit and inform the business of the alleged unfair trade practice and the consumer's claimed damages. The business may respond by making a settlement offer. If the consumer then rejects this offer and decides instead to go to trial, the court may find that the business' settlement offer was reasonable and thereby limit any damage recovery to the settlement offer amount. Attorney's fees would also be limited to those incurred before rejection of the reasonable written offer of settlement.

Committee Amendment "A" integrates into the bill the standards of the Maine Rules of Civil Procedure, Rule 68. Rule 68 allows a defendant to make an offer of judgment to the plaintiff before the trial commences. If the plaintiff rejects this offer to settle and does not receive a more favorable result in court, the plaintiff is not entitled to any costs incurred after the making of the settlement offer. This amendment also makes clear that all defendants in an unfair trade practice action for damages may make a tender of settlement.

House Amendment "A" to Committee Amendment "A" strikes that portion of the fiscal note that mentions the possibility of a General Fund appropriation when the effect of all this session's legislation on jury trials becomes known.

House Amendment "A" indicates that this right is only available for those actions that are filed after the effective date of this Act.

House Amendment "B" is the same as House Amendment "A".