

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JULY 1993

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

4693NRG

**An Act to Clarify Mandatory Waiver Authority  
Concerning Construction Requirements**

**SPONSOR(S)**  
FOSTER

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-217  
S-361 PEARSON

**SUMMARY**

The bill provides an exemption from access requirements for buildings and facilities that were constructed as public accommodations and had received permits at the time of construction from the appropriate authorities that the construction met access standards at the time. The exemption applies to all public accommodation construction since September 1, 1974. The bill clarifies the language so that a designated representative of the commission is responsible for waiver decisions.

Committee Amendment "A" (S-217) replaces the exemption from access provision in the original bill with a procedure permitting waivers or variances from construction standards if compliance is not technologically feasible or will result in excessive and unreasonable costs without any substantive benefit to persons with physical disabilities. The procedure is available for public accommodations built, renovated, remodeled or enlarged between September 1, 1974 and January 1, 1991, and application for the waiver or variance must be made before September 30, 1994.

Senate Amendment "A" to Committee Amendment "A" (S-361) replaces the Committee Amendment to change the authority to grant waivers or variances to the Office of the State Fire Marshal, consistent with LD 283, PL 1993, c. 410, Part X.

**An Act to Establish a Limit on Noneconomic Damages in  
Medical Malpractice Actions**

**SPONSOR(S)**  
BERUBE

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill sets a limit of \$250,000 on noneconomic damages in medical liability actions. Under the bill, a plaintiff is still entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses.

**An Act to Permit Owners of Property to Seek  
Indemnification from Parties Responsible for Violations  
of Clear-cutting Laws**

**SPONSOR(S)**  
KETTERER

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
H-288

**SUMMARY**

The bill allows a landowner that has been penalized under the laws governing forest practices a right of action against the logger that conducted the harvest for the penalty assessed.

Committee Amendment "A" (H-288) provides that a landowner may recover from a harvester only when the violation is the result of actions of the harvester. It also creates a defense for the harvester whose actions were the result of instructions from the landowner. This amendment also adds a fiscal note to the bill.