

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1994

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**MAY 1994**

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, 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*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*ONTP*

*INDEF PP*

*FAILED ENACTMENT*

*FAILED EMERGENCY ENACTMENT*

*FAILED MANDATE ENACTMENT*

*DIED BETWEEN BODIES*

*CONF CMTE UNABLE TO AGREE*

*VETO SUSTAINED*

*UNSIGNED*

*DIED ON ADJOURNMENT*

*Chapter # of enacted Public Law*

*Chapter # of enacted Private & Special Law*

*Chapter # of enacted Resolve*

*Chapter # of Constitutional Resolution passed by both Houses*

*Enacted law takes effect sooner than 90 days*

*Ought Not to Pass report accepted*

*Bill Indefinitely Postponed*

*Bill failed to get majority vote*

*Emergency bill failed to get 2/3 vote*

*Bill imposing local mandate failed to get 2/3 vote*

*House & Senate disagree; bill died*

*Committee of Conference unable to agree; bill died*

*Legislature failed to override Governor's Veto*

*Not signed by Governor within 10 days*

*Action incomplete when session ended; bill died*

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

3. It requires the Probate Court to review a surrender and release if the child has not been adopted after 18 months.
4. It contains a detailed listing of information that must be contained in a petition for adoption and the findings issued by the Probate Court.
5. It specifies what adoption expenses may be paid by the petitioner for adoption.
6. It clarifies the process for determining the rights of putative fathers.
7. It requires the inclusion of an adopted child in health insurance coverage on the same basis as "newly-born" children and prohibits the exclusion of existing conditions.

The changes are effective for petitions filed on or after August 1, 1994.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1014) provides that when a birth mother does not identify the putative father, the Probate Court may, but is not required to, order notice by publication of the mother's intent to consent to adoption of the child.

**LD 1186**      **An Act to Modify Joint and Several Liability in Medical Malpractice Actions**      ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BERUBE	ONTP      MAJ	
	OTP      MIN	

**SUMMARY**

The bill would have modified the principle of joint liability in medical negligence cases. Under the bill, multiple defendants in these cases would remain jointly liable for all damages awarded for economic loss and would remain jointly liable for noneconomic loss unless a defendant is found to be less than 25% at fault as compared with other defendants. For that defendant, liability would be several only with regard to noneconomic damages. Thus, that defendant would be responsible for only the defendant's portion of the noneconomic damages, but would remain jointly liable for all economic damages.

The bill was carried over from the First Regular Session.

**LD 1194**      **RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Requirement of Grand Jury Review for Noncapital Crimes**      ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	ONTP	

**SUMMARY**

The constitutional resolution was a recommendation of the Commission to Study the Future of Maine's Courts and would have authorized district attorneys and the Attorney General to prosecute criminal cases without the necessity of scheduling grand jury hearings when a judge has made a prior finding of probable cause.

The resolution was carried over from the First Regular Session.