

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:

PUBLIC XXX

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

CARRIED OVER

ONTP

ENACTMENT FAILED

INDEF PP

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

Bill carried over to Second Session

Ought Not to Pass report accepted

Bill failed to get majority vote

Bill Indefinitely Postponed

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 formed but unable to agree

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. 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

**LD 1373 Resolve, Creating the Court Futures Implementation
Commission**

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	ONTP	

SUMMARY

The resolve is a recommendation of the Commission to Study the Future of Maine's Courts. The resolve would have created the Court Futures Implementation Commission to implement the recommendations made pursuant to Public Law 1989, chapter 891, Part B.

See LD 1553.

**LD 1384 An Act to Strengthen the Enforcement of the Code of Fair
Practices**

VETO SUSTAINED

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TOWNSEND E	OTP-AM MAJ	H-507
RAND	ONTP MIN	

SUMMARY

The bill would have required the State to examine the civil rights and sexual harassment records of companies with which the State proposes to enter into a contract.

Committee Amendment "A" (H-507) (Majority report) would have required contractors to submit copies of their affirmative action programs if the contract with the State is over \$50,000. The State Affirmative Action Coordinator would have reviewed the programs and made a report providing a general overview of affirmative action programs.

LD 1394 An Act Waiving Court Mediation Fees

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS K	ONTP	

SUMMARY

The bill would have waived the mediation fee in domestic relations cases if the court finds a party is unable to pay. If a party has been granted a mediation fee waiver, the court action could not be halted because of the failure of the other party to pay.

LD 1405 An Act Concerning Tribal Protection Orders

PUBLIC 469
EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CASHMAN	OTP-AM	H-442
PEARSON		

SUMMARY

The bill makes the violation of certain provisions of a protection order, issued in either abuse or harassment situations by the tribal court of the Passamaquoddy Tribe or the Penobscot Nation, a criminal offense. The Passamaquoddy Tribe and the Penobscot Nation possess exclusive jurisdiction over the

issuance of protection orders between members of either tribe or nation both of whom reside on the Indian reservation of the respective tribe or nation. The bill creates parity of applicable punishments for the violation of a protection order regardless of whether the order was issued by a state or tribal court.

Committee Amendment "A" (H-442) adds a fiscal note.

LD 1407 An Act Concerning Primary Care and Parental Rights and Responsibilities in Cases of Domestic Abuse CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CATHCART		

SUMMARY

The bill creates the Post-separation Family Violence Relief Act.

LD 1413 An Act to Create a Noneconomic Damages Award Act CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CIANCHETTE		

SUMMARY

The bill provides that a plaintiff may be compensated for noneconomic damages up to \$250,000.

LD 1414 An Act to Modify the Legal Doctrine of Joint and Several Liability CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CIANCHETTE		

SUMMARY

The bill modifies the legal doctrine of joint and several liability. It provides that in actions involving multiple defendants, each defendant is jointly and severally liable for the full amount of the plaintiff's economic and noneconomic damages. Defendants may request a determination of each defendant's percentage of fault. The bill also establishes a formula for determining the amount of damages recoverable from each defendant.

LD 1420 An Act Concerning the Terminally Ill CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CAHILL		

SUMMARY

The bill amends the living will laws to allow medically assisted deaths in certain limited circumstances.

The bill allows a person who has been diagnosed with a terminal condition that is likely to lead to death within a relatively short period of time and whose condition has been certified by an attending physician and 2 consulting physicians to request a medically assisted death. Minors and incompetent persons, including persons in a persistent vegetative state, are not eligible to request this procedure. An individual may not request a medically assisted death for another individual.