

# 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

**SUMMARY**

The bill would have limited the amount of money that can be awarded to a plaintiff for noneconomic damages in any civil case to \$250,000.

The bill was carried over from the First Regular Session.

**LD 1414      An Act to Modify the Legal Doctrine of Joint and Several Liability****ONTP****SPONSOR(S)**  
CIANCHETTE**COMMITTEE REPORT**  
ONTP      MAJ  
OTP      MIN**AMENDMENTS ADOPTED****SUMMARY**

The bill would have modified the legal doctrine of joint and several liability. It would have required 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 would be able to request a determination of each defendant's percentage of fault. The bill also would have established a formula for determining the amount of damages recoverable from each defendant.

The bill was carried over from the First Regular Session.

**LD 1420      An Act Concerning the Terminally Ill****ONTP****SPONSOR(S)**  
CAHILL**COMMITTEE REPORT**  
ONTP**AMENDMENTS ADOPTED****SUMMARY**

This bill would have amended the living will laws to allow medically assisted deaths in certain limited circumstances.

The bill would allow 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 two 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.

Two consulting physicians must independently certify the individual's condition before a medically assisted death may proceed. If both consulting physicians certify that the individual has an incurable and irreversible condition, the individual's attending physician, any other physician and any health care facility are authorized to assist the individual with a medically assisted death.

This bill was carried over from the First Regular Session. It contains a statutory referendum provision.

**LD 1436      An Act to Eliminate the Statute of Limitation in Child Molestation Cases****ONTP****SPONSOR(S)**  
PARADIS P  
FOSTER**COMMITTEE REPORT**  
ONTP**AMENDMENTS ADOPTED**