

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1997

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Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

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Maine State Legislature

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ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS

Summary Of Legislation Before The Joint Standing Committees
August 1997

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

- CARRIED OVER.....Bill carried over to Second Regular Session
CON RES XXX.....Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....House & Senate disagree; bill died
DIED IN CONCURRENCE.....One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....Action incomplete when session ended; bill died
EMERGENCY.....Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....Bill imposing local mandate failed to get 2/3 vote
INDEF PP.....Bill Indefinitely Postponed
ONTP.....Ought Not To Pass report accepted
OTP ND.....Committee report Ought To Pass In New Draft
OTP ND/NT.....Committee report Ought To Pass In New Draft/New Title
P&S XXX.....Chapter # of enacted Private & Special Law
PUBLIC XXX.....Chapter # of enacted Public Law
RESOLVE XXX.....Chapter # of finally passed Resolve
UNSIGNED.....Bill held by Governor
VETO SUSTAINED.....Legislature failed to override Governor's Veto

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 1681 proposed that, for purposes of calculating child support, disability benefits received by a child based on the disability of a parent must be counted towards payment of that parent's parental support obligation. See also LD 1834.

LD 1689 **An Act to Provide Court-ordered Income Withholding of Spousal Support** **PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TOWNSEND BENOIT	OTP-AM MAJ ONTP MIN	H-681

LD 1689 proposed to require that orders of spousal support contain provisions for the withholding of income if arrearages occur.

Committee Amendment "A" (H-681) (Majority Report) proposed to clarify that the new provisions would apply when only spousal support, and no child support, is ordered by the court. It also proposed to authorize the payor to deduct a fee and to limit the Department of Human Services responsibilities with regard to spousal support.

Enacted law summary

Public Law 1997, chapter 433 provides for the implementation of an income withholding order to collect court-ordered spousal support by setting out the requirements for notice and the obligations of the payor, such as an employer.

LD 1712 **An Act to Create a Citizen Panel on Deregulation** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACK FERGUSON	ONTP MAJ OTP-AM MIN	

LD 1712 proposed to establish the Citizen Panel on Deregulation to advise the Legislature on obsolete or unnecessary statutory provisions and rules that should be repealed.

Committee Amendment "A" (H-591) (Minority Report) proposed to revise the membership of the panel to consist of 10 public members.

LD 1713 **An Act Relating to Compensatory and Punitive Damages Under the Maine Human Rights Act** **PUBLIC 400**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM MAJ ONTP MIN	H-592

LD 1713 proposed to make the remedies available in proven cases of unlawful discrimination under the Maine Human Rights Act the same as those now available under the Federal Civil Rights Act of 1991, the Americans with Disabilities Act of 1990 and the Federal Fair Housing Amendments Act of 1988.

Committee Amendment "A" (H-592) is the Majority Report. It proposed to make the provisions consistent with the Federal Civil Rights Act of 1991 and Title I of the Americans with Disabilities Act of 1990 with regard to compensatory and punitive damages for unlawful discrimination in employment and to make other revisions. It proposed to prohibit compensatory and punitive damages if the plaintiff does not first pursue remedies through the Maine Human Rights Commission. It proposed to retain the existing authorization for civil penal damages in all cases of unlawful discrimination in housing, credit, education and public accommodations, and for discrimination in employment against public entities and employers with fewer than 15 employees. The amendment proposed to prohibit punitive damages against governmental employers and employees.

Enacted law summary

Public Law 1997, chapter 400 authorizes compensatory and punitive damages for intentional employment discrimination by employers with 15 or more employees. This is consistent with the Federal Civil Rights Act of 1991 and Title I of the Americans with Disabilities Act of 1990. However, these damages are not available if the plaintiff does not first pursue remedies through the Maine Human Rights Commission. Chapter 400 retains the existing authorization for civil penal damages in all cases of unlawful discrimination in housing, credit, education and public accommodations, and for discrimination in employment against public entities and employers with fewer than 15 employees. Punitive damages against governmental employers and employees are not available.

LD 1728 An Act to Promote Professional Competence and Improve Patient Care CARRIED OVER

<u>Sponsor(s)</u> GOLDTHWAIT		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1728 proposes to expand physician peer review beyond hospital settings to include other types of settings where health care services are provided. The bill proposes to strengthen the ability of a licensed health care practitioner to become involved in providing information and reviewing another health care practitioner's competence to practice health care by specifying the confidentiality of communications about another health care practitioner, by defining a health care organization and that organization's duties and by expanding the peer review process outside of the hospital setting. This bill has been carried over to the Second Regular Session.

LD 1729 An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders CARRIED OVER

<u>Sponsor(s)</u> GOLDTHWAIT TUTTLE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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