

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

MEMBERS:

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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 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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LD 1729 proposes to repeal the existing law governing advanced health-care directives and enact instead a new Part concerning "do not resuscitate" orders or "DNR" orders. This bill has been carried over to the Second Regular Session.

LD 1784 **An Act to Expedite the Operation of Prelitigation Screening Panels** **CARRIED OVER**
under the Maine Health Security Act

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1784 proposes to expedite and reduce costs related to the operation of prelitigation screening panels under the Maine Health Security Act by:

1. Requiring that, unless the plaintiff has requested that a time period be extended, the hearing be bypassed completely if it has not been held within four months;
2. Shortening certain time periods and requiring that experts submit written statements rather than testify in person;
3. Allowing the panel chair to require the parties to make their presentations of the case in writing; and
4. Clarifying the role of the prelitigation screening panels by changing the standard of proof used by the panel.

This bill has been carried over to the Second Regular Session.

LD 1786 **An Act to Adopt the Uniform Child Custody Jurisdiction and** **CARRIED OVER**
Enforcement Act

<u>Sponsor(s)</u> LANE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1786 proposes to repeal the Maine Revised Statutes, Title 19-A, chapter 57, the Uniform Child Custody Jurisdiction Act and replace it with an updated version, the Uniform Child Custody Jurisdiction and Enforcement Act. This bill has been carried over to the Second Regular Session.

LD 1791 **An Act to Bring the State into Conformity with the Firearms** **PUBLIC 334**
Provisions of the Violence against Women Provisions of the Federal
Violent Crime Control Act

<u>Sponsor(s)</u> MITCHELL J PINGREE		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-529
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