

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
118TH LEGISLATURE

SECOND REGULAR SESSION  
AND  
SECOND SPECIAL SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1998

**MEMBERS:**

*Sen. Susan W. Longley, Chair*

*Sen. Lloyd P. LaFountain III*

*Sen. John W. Benoit*

*Rep. Richard H. Thompson, Chair*

*Rep. Elizabeth Watson*

*Rep. David Etnier*

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**ONE HUNDRED EIGHTEENTH LEGISLATURE**  
**SECOND REGULAR AND SECOND SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees**  
**May 1998**

We are pleased to provide this summary of bills that were considered by the Joint Standing Committees of the Maine Legislature. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. 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 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](http://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:

- 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 Second Regular Session (unless otherwise specified in a particular law) is June 30, 1998 and July 9, 1998 for the Second Special Session. Second Special Session laws include Public Laws beginning with Chapter 718, Private and Special Laws beginning with Chapter 82 and Resolves beginning with Chapter 117.

**LD 1729**                      **An Act to Require Health-care Providers to Honor Do Not Resuscitate Orders**                      **ONTP**

<u>Sponsor(s)</u> GOLDTHWAIT TUTTLE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1729 proposed to repeal the existing law governing advanced health-care directives and enact instead a new Part concerning "do not resuscitate" orders or "DNR" orders. The purpose of the bill was to require emergency medical services personnel to honor DNR orders.

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

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1784 proposed to expedite and reduce costs related to the operation of prelitigation screening panels under the Maine Health Security Act. The bill proposed to require that, unless the plaintiff has requested that a time period be extended, the hearing be bypassed completely if it has not been held within 4 months. The bill proposed to shorten certain time periods and require that experts submit written statements rather than testify in person. It would have allowed the panel chair to require the parties to make their presentations of the case in writing. The bill proposed to clarify the role of the prelitigation screening panels by changing the standard of proof used by the panel. Under this bill, the panel would have determined whether the evidence presented to it and the permissible inferences from the evidence raise issues of fact as to negligence and causation. See also LD 582 and LD 1050.

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

<u>Sponsor(s)</u> LANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1786 proposed 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. The bill was based on a draft, rather than final, version of the National Conference of Uniform Law Commissioners uniform legislation.

**LD 1793**                      **An Act Regarding the Activities of Nonprofit Corporations**                      **ONTP**

<u>Sponsor(s)</u> THOMPSON		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1793 proposed a procedure that all nonprofit corporations would have to follow when converting or restructuring into a for-profit or mutual benefit corporation or entity or when transferring assets to a for-profit or mutual benefit corporation or entity. The procedure would have been in addition to any other review, analysis or approval required by law.

**LD 1807                                      An Act to Provide for Commitment of Sexually Violent Predators                                      INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	

LD 1807 proposed a procedure for the commitment of a person defined as a sexually violent predator if a court finds that the person has a mental abnormality or personality disorder that makes it likely that the person will engage in predatory acts of sexual violence if not confined in a secure facility. The bill is based on laws in Kansas and Washington.

**Committee Amendment "A" (H-974)** proposed to replace the bill. It proposed to create a 13-member study commission of legislators to develop a plan for the control, care and treatment of sexually violent predators. The amendment proposed a reporting date of October 15, 1998. The bill as amended was indefinitely postponed because the Senate and the House of Representatives passed HP 1653, Joint Order Creating the Joint Select Committee to Create a Program for the Control, Care and Treatment of Sexually Violent Predators. (Not adopted)

**LD 1913                                      An Act to Clarify the Confidentiality of Public Employee Information                                      PUBLIC 770**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMPSON	OTP-AM      MAJ ONTP          MIN	H-998 S-718   MICHAUD

LD 1913 proposed to revise the law concerning confidentiality relating to public employee discipline cases resulting from a 1997 state court decision, Doe v. Department of Mental Health, Mental Retardation and Substance Abuse Services, 1997 ME 195, 699 A.2d 422 (1997). The bill proposed that information concerning disciplinary action against a state, county or municipal employee remain confidential unless a final written decision relating to that action involves a finding of guilt.

**Committee Amendment "A" (H-998)** (Majority Report) proposed to replace the bill. It proposed to provide that the final written decision governing a disciplinary action is no longer confidential once it is completed if the decision imposes or upholds discipline. It proposed that if a disciplinary action is appealed to an arbitrator, the arbitrator's decision is the final written decision, and that if the arbitrator completely overturns or removes disciplinary action from an employee's personnel file, the employee's name is confidential and must be deleted from the final written decision before it is released.

**Senate Amendment "A" to Committee Amendment "A" (S-718)** proposed to include a General Fund appropriation to the Department of Administrative and Financial Services of \$100 in fiscal year 1998-99 to provide additional funds for the local costs associated with deleting references to an employee's name from certain files.