

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: *May 21, 1997*

(Filing No. S-293)

JUDICIARY

Reported by: *Minority*

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 119, L.D. 398, Bill, "An Act to Recover Economic Loss Attributable to Tobacco Use"

Amend the bill in section 1 in that part designated "§8351." in subsection 1 in paragraph A in the first and 2nd lines (page 1, lines 16 and 17 in L.D.) by striking out the following: "and disability"

Further amend the bill in section 1 in that part designated "§8351." in subsection 1 in paragraph B in the first and 2nd lines (page 1, lines 24 and 25 in L.D.) by striking out the following: "and disability"

Further amend the bill in section 1 in that part designated "§8351." in subsection 1 by striking out all of paragraph D and inserting in its place the following:

'D. "Economic loss" to an individual means health care expense paid by or on behalf of that person.'

Further amend the bill in section 1 in that part designated "§8351." in subsection 2 in the 2nd line (page 1, line 42 in L.D.) by striking out the following: "disability" and inserting in its place the following: 'medical'

Further amend the bill in section 1 in that part designated "§8355." in the first paragraph in the last line (page 3, line 8

in L.D.) by inserting after the following: "expert" the following: 'consultants and'

Further amend the bill in section 1 in that part designated "§8356." in subsection 5 in the first line (page 3, line 39 in L.D.) by striking out the following: "commissioner" and inserting in its place the following: 'Commissioner of Human Services'

Further amend the bill in section 1 in that part designated "§8357." in the first paragraph in the 4th line (page 4, line 15 in L.D.) by striking out the following: "interests" and inserting in its place the following: 'interest'

Further amend the bill in section 1 by inserting after that part designated "§8359." the following:

§8360. Other remedies

Remedies in this chapter are in addition to those that exist or that arise from common law or from state or federal statute, and nothing contained in this chapter may be construed to foreclose a remedy otherwise available for recovery of tobacco-related losses.

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

This bill may increase the number of civil suits filed in the court system. The Judicial Department may require additional General Fund appropriations to cover the cost of additional staffing and general operating expenses related to these cases. The amount and the timing of General Fund appropriations cannot be determined at this time.

This bill authorizes, but does not require, the Department of Human Services and the Department of the Attorney General to sue for recovery of economic losses pertaining to health care expenses caused by tobacco exposure. If the Legislature intends to pursue recovery, additional positions and general operating expenses will be required. General Fund appropriations will be required to fund these additional costs. Any funds recovered by the State may be used to reimburse the General Fund for these costs.

The Department of Human Services also may experience future General Fund and Federal Expenditure Fund savings if the

COMMITTEE AMENDMENT "A" to S.P. 119, L.D. 398

department is able to successfully recover funds from any members
of the tobacco industry. The amount of potential future savings
can not be determined at this time.'

SUMMARY

This amendment limits the recovery of economic losses
attributable to tobacco use under the cause of action created by
the bill to only health care costs. It clarifies that the cause
of action is in addition to other remedies available and does not
foreclose recovery of tobacco-related losses under other
remedies. It also makes technical changes and adds a fiscal note
to the bill.