

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND TWELFTH LEGISLATURE
SECOND REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



MAY 1986

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JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1986

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, covering the Second Regular Session of the 112th Legislature. The summaries are arranged by LD number under each committee.

All Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor if it is a floor amendment or the designation "CA" if it is a committee amendment. If the amendment was adopted in the House, the letter H appears after the sponsor. If it was adopted in the Senate, the letter S appears.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Key to Committee Reports and Floor Action:

OTP	Ought to Pass
OTP-ND	Ought to Pass in New Draft
OTP-ND-NT	Ought to Pass in New Draft, New Title
OTP-AM	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO AMEND THE CRIMINAL CODE TO REDEFINE LVWD
2056 VICTIM

Sponsor: KANE
Committee Report: LVWD

SUMMARY: This bill sought to redefine "victim" in the Criminal Code provision making tampering with a witness, informant, or victim a crime. The concurrent definition of "victim" requires a victim to have suffered bodily injury, death, or economic loss. This definition does not permit the Class B crime of tampering with a victim be charged where the tampering involves the victim of, for example, an attempted crime or other crime where no bodily injury occurs and no property is taken. These victims, could, however, be included in many cases under the Class C crime of tampering with a witness.

LD AN ACT TO EXPEDITE THE RESOLUTION OF ND LD 2400
2065 PROFESSIONAL NEGLIGENCE CLAIMS, TO AMEND
SELECTIVE PROVISIONS OF THE MAINE HEALTH
SECURITY ACT AND TO ABOLISH THE DISCOVERY RULE
IN CLAIMS AGAINST HEALTH CARE PRACTITIONERS,
HEALTH PROVIDERS AND ATTORNEYS

Sponsor: PRAY, Kane, Gill, Hayden
Committee Report: OTP-ND-NT, ONTP

SUMMARY: See New Draft, LD 2400.

LD AN ACT TO PERMIT A GUILTY BUT MENTALLY ILL LVWD
2069 VERDICT IN A CRIMINAL CASE

Sponsor: Minority of Insanity Defense and Related Statutes
and Procedures Study Subcommittee
Committee Report: LVWD

SUMMARY: LD 2069 resulted from a minority report contained in the final report of the Insanity Defense and Related Statutes and Procedures Study Subcommittee of the Judiciary Committee.

The bill sought to permit criminal defendants who raise an insanity defense to be found guilty, guilty but suffering from mental disease or defect, or not criminally responsible by reason of insanity. An offender found guilty but suffering from mental disease or defect would have been sentenced as any criminal defendant found simply guilty. If the sentence included probation with a condition of receipt of psychiatric treatment, the

Department of Corrections would have been required to monitor the offender to assure that treatment was received. The offender found guilty but suffering from mental disease or defect and sentenced to a term of imprisonment, upon commitment to the Department of Corrections, would have been evaluated to determine his need for treatment. The department would have been required to provide treatment psychiatrically indicated for the offender.

LD 2069 was withdrawn when the concerns of its supporters were addressed in an amendment of other legislation resulting from the Insanity Defense Study Subcommittee.

LD AN ACT TO REFORM HIGH-SPEED PURSUIT POLICIES LVWD
2074 FOR LAW ENFORCEMENT PERSONNEL

Sponsor: PARADIS, P., Jacques, Drinkwater, Carpenter
Committee Report: LVWD

SUMMARY: This bill proposed to deal with the dual problems of the dangers of high-speed motor vehicle chases by police officers and the need to ensure that motor vehicle operators obey the law and stop promptly when signaled to do so by police officers investigating suspected traffic violations or criminal offenses. The bill sought to deter would-be violators from trying to elude the police by stiffening the penalties for eluding or attempting to elude police officers, and by providing for the possible forfeiture to the State of motor vehicles. The bill also sought to establish a statewide, uniform high-speed pursuit policy that all police officers would be required to follow or run the risk of potential criminal liability for injuries or damages caused by their actions that did not conform to the uniform policy.

LD AN ACT CONCERNING MEDICAL MALPRACTICE LVWD
2078 INSURANCE

Sponsor: NELSON
Committee Report: LVWD

SUMMARY: This bill sought to require verdicts which award damages in medical malpractice actions to be itemized by specifying the applicable elements of special and general damages upon which the award is based and the amount assigned to each element, including, but not limited to, medical expenses, loss of earnings, impairment of earning ability and pain and suffering. In addition, it sought to limit damages which may be awarded for pain and suffering to \$250,000. The bill also sought to require all medical