

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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ONE HUNDRED AND TWELFTH LEGISLATURE
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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

malpractice cases to be reviewed by the Malpractice Advisory Panel prior to filing an action in court.

LD 2978 was withdrawn because medical malpractice concerns were dealt with in two other bills before the Judiciary Committee.

LD 2081 AN ACT TO EXEMPT THE TOWN OF HOPE FROM LIABILITY FOR CERTAIN TAX-ACQUIRED PROPERTY INDEF. PP

Sponsor: ALLEN, Chalmers, Mayo
Committee Report: OTP

SUMMARY: Through the tax-lien foreclosure process, the Town of Hope has acquired property owned by Union Chemical Company, Incorporated. This property has been used as a site of manufacture of chemicals and as a hazardous waste dump. The Department of Environmental Protection currently is involved in the cleanup of this dump site. Municipal officers of the Town of Hope, concerned by possible liability that may be incurred due to the nature of the dump and the danger of pollutants leaching into groundwater; sought, through LD 2081, complete immunity for the Town of Hope with respect to this property.

LD 2092 AN ACT TO PROHIBIT THE PROMOTION AND WHOLESALE PROMOTION OF PORNOGRAPHIC MATERIAL ONTP

Sponsor: Initiated bill
Committee Report: ONTP, OTP

SUMMARY: LD 2092 is an initiated bill that, since it was not enacted by the Legislature, will be voted on at referendum in June. (The June date was established by order of the Legislature.)

LD 2092 is similar to the Portland obscenity ordinance, held constitutional by the Maine Supreme Judicial Court in City of Portland v. Jacobsky, 496 A.2d 646 (1985). That case focused on whether the definition of obscenity contained in the ordinance, and similar to that in the bill, was constitutional.

LD 2092 seeks to prevent the making, selling, giving for value, or other promotion of obscene material. A primary difference between the Portland ordinance and LD 2092 is that the bill applies criminal penalties for:

1. Promoting, or possessing with intent to promote, obscene material or an obscene device (Class D crime);

2. Producing, presenting, directing, or participating in an obscene performance (Class D crime); and

3. Wholesale promoting, or possessing with intent to wholesale promote, obscene, material or an obscene device (Class C crime).

Under LD 2092, possession of six or more obscene articles or devices creates a presumption of possession with intent to promote.

LD 2108 AN ACT TO AMEND THE INSANITY DEFENSE AND CERTAIN PROCEDURES RELATING TO COMMITTED INSANITY ACQUITTEES

ND LD 2397

Sponsor: Insanity Defense and Related Statutes and Procedures Study Subcommittee
Committee Report: OTP-ND

SUMMARY: See New Draft, LD 2397.

LD 2109 AN ACT CONCERNING MEDICAL MALPRACTICE INSURANCE

LVWD

Sponsor: BONNEY, Brown, A., Perkins
Committee Report: LVWD

SUMMARY: LD 2109 addressed medical malpractice actions. It sought to provide for limitations on contingency fees and to establish a pretrial screening panel to judge liability and render opinions on award amounts. Under the bill, physicians would no longer have been required to prove special damages if they filed a countersuit, and plaintiffs could not file for punitive damages. In addition, individuals who made untrue allegations without reasonable cause would have had to pay the defendant's attorneys' fees. Finally, the bill gave the court the authority to consider the plaintiff's other sources of compensation in determining the award amount.

2109 was withdrawn because medical malpractice concerns were dealt with in two other bills before the Judiciary Committee.