

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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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 2398 AN ACT TO PROVIDE FUNDING FOR THE COURT
MEDIATION SERVICE THROUGH FEES

PL 1985
c. 750

Sponsor: KANE, Carpenter
Committee Report: New Draft of LD 2332.

- H-734 FOSTER
- H-735 FOSTER
- H-742 FOSTER
- S-519 CHALMERS

SUMMARY: LD 2398 establishes a \$60 mediation fee to be paid by parties referred to the Court Mediation Service under the law requiring mediation of contested divorce, annulment, and separation cases where the parties have a minor child. The fee will be apportioned equally between the parties unless the court directs otherwise. The fee will be paid only once per case, regardless of the number of mediation sessions the parties attend.

The bill also sets a filing fee for small claims actions at \$20. The current filing fee is \$15. The increase in the fee is intended to offset costs of small claims mediations performed by the Court Mediation Service.

Finally, the bill permits the court to waive mandatory mediation in domestic relations cases for extraordinary cause established by affidavit.

LD 2400 AN ACT RELATING TO MEDICAL AND LEGAL
PROFESSIONAL LIABILITY

PL 1985
c. 804

Sponsor: PRAY, Kane, Gill, Hayden
Committee Report: New Draft of LD 2065.

- H-728 STETSON
- H-731 DEXTER
- S-521 TRAFTON H S
- S-523 BALDACCI
- S-543 CARPENTER H S

SUMMARY: LD 2400 establishes mandatory prelitigation screening panels for medical malpractice actions. A plaintiff must submit his or her medical malpractice claim to such a panel prior to filing a complaint in court. The panel -- composed of a retired judge or person with judicial experience, an attorney, and one or two health care practitioners or providers -- hears both sides of the claim. If the panel unanimously finds no negligence by the professional, that finding is admissible in court if the plaintiff proceeds to court rather than dropping the action. If the panel unanimously finds that the