

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

The bill changes the statute of limitations for medical malpractice actions by minors. Instead of having two years from their eighteenth birthday to bring these actions, as under current law, minors have, under LD 2400, six years to bring the action, or three years from their eighteenth birthday, whichever is less. Thus, under the generally applicable accrual rule for determining when the limitation period starts to run, minors have, under the bill, at most, six years from the date of the negligent act to bring a medical malpractice suit. This provision is effective on August 1, 1988.

The Commission to Examine Problems of Tort Litigation and Liability Insurance in Maine (see LD 2295) is required by LD 2400 to examine medical and legal professional liability.

LD
2402

AN ACT TO CONSOLIDATE FAMILY CASES IN A FAMILY COURT WITHIN THE DISTRICT COURT AND TO ESTABLISH FULL-TIME, APPOINTED PROBATE JUDGES

HSE. ADHERED
INDEF. PP

Sponsor: Commission to Study Family Matters in Court
Committee Report: New Draft of LD 2119.

SUMMARY: LD 2402 sought to consolidate jurisdiction over family cases (excluding adoptions and guardianships) within the District Court, removing any concurrent or exclusive jurisdiction over family cases from the Superior and Probate Courts. When handling family cases, the District Court would have been known as the Family Court. Assignment of District Court judges to family cases would have required consideration of those best suited to handle family cases. The District Court would have developed a family case data system to keep track of family cases involving different members of one family. All state court facilities would have been available to the District Court for the hearing of family cases. Judges and others involved with family cases would have received annual continuing education in family matters. An advisory committee, composed of family professionals and providers, would have advised the District Court on its functioning as the Family Court.

The bill also sought to abolish elected, part-time probate judges. Six appointed, full-time probate judges would have replaced the part-time judges, with three appointed in 1987 and three appointed in 1989. The appointed probate judges would have been under the administrative supervision of the District Court. The nonprobate caseload of the appointed probate judges would have consisted primarily of family cases. Registers of probate remained elected county officers under the bill.

Funding for LD 2402 would have been generated from an increase in certain probate fees and, in 1988, an increase in filing fees for domestic relations cases.

LD AN ACT TO MAKE CORRECTIONS OF ERRORS AND
2405 INCONSISTENCIES IN THE LAWS OF MAINE

PL 1985
c. 737

Sponsor: CARPENTER, Kane
Committee Report: New Draft of LD 2272.

S-546	CARPENTER	H	S
S-548	CARPENTER	H	S
S-549	CARPENTER	H	S

SUMMARY: The Errors Bill, as it left the Judiciary Committee, contained corrections of technical errors. One substantive change in the statutes was added on the floor: the special rule applicable to pronouns reflecting gender in the education laws was repealed. The general rule of construction of the statutes in Title 1 was amended to require, whenever reasonable as determined by the Revisor of Statutes, the use of nouns rather than pronouns in drafting to avoid gender identification. The general rule will still apply, however: words of the masculine gender may include the feminine.

5788