

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)

STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION



BILL SUMMARY
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1988

MEMBERS

Sen. Joseph C. Brannigan *
Sen. N. Paul Gauvreau
Sen. Henry W. Black

Rep. Patrick E. Paradis *
Rep. Daniel E. Warren
Rep. Harry L. Vose
Rep. Constance D. Cote
Rep. Gerard P. Conley, Jr.
Rep. Dale F. Thistle
Rep. Mary H. MacBride
Rep. Jeanne F. Begley
Rep. Dana C. Hanley
Rep. Francis C. Marsano

* Denotes Chair

Staff: Gil Brewer, Legal Analyst
Martha Freeman, Legal Analyst

Office of Policy & Legal Analysis
Room 101, State House Sta. 13
Augusta, ME 04333
(207) 289-1670

EN T. GINDER, DIRECTOR
EN WHITESIDE, DEP. DIRECTOR
ERT W. BREWER
ID C. ELLIOTT
) FLATEBO
THA E. FREEMAN, SR. ATTY.
B. GAUTSCHI
LIAM T. GLIDDEN, JR.



STATE OF MAINE
OFFICE OF POLICY AND LEGAL ANALYSIS

ROOM 101/107/135
STATE HOUSE STATION 13
AUGUSTA, MAINE 04333
TEL.: (207) 289-1670

JULIE S. JONES
JOHN B. KNOX
EDWARD POTTER
MARGARET J. REINSCH
LARS H. RYDELL
JOHN R. SELSER
CAROLYN J. CHICK, PARALEGAL
ROBERT W. DUNN, RES. ASST.
HARTLEY PALLESCHI, JR. RES. ASST.

**ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST & SECOND SPECIAL SESSIONS
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES
MAY 1988**

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. The summaries are arranged by LD number under each committee.

All Adopted Amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action is listed to the right of the title. If final House and Senate action differ, both are listed. Committee Reports and Floor Action are indicated as follows::

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

Each individual summary was prepared by the analyst assigned, as noted for each committee. But, this document was produced by the efforts of all the office staff, including Secretaries: Charlene Brann, Janet Jean, Earl Knox, Valarie Parlin; Research Assistant Hartley Palleschi. Finally, Secretary Lorette Knox, Legal Assistant Carolyn Chick, and Research Assistant Robert Dunn had special responsibilities in the preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

JOINT STANDING COMMITTEE ON JUDICIARY

LD An Act Establishing an Immunity from Civil Liability for LV/WD
2 Certain Shelters for the Homeless

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
KANY	LV/WD	
JACQUES		
JOSEPH		
LACROIX		

SUMMARY

The bill to provide immunity, for nonprofit organizations and their employees who provide shelter to homeless people without charge, from civil liability for injury or death occurring on or due to the condition of the organization's premises. Immunity would not have extended to injury or death arising from gross negligence, recklessness, or intentional misconduct.

LD An Act Affecting Joint and Several Liability LV/WD
250

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
HILLOCK	LV/WD	
ARMSTRONG		

SUMMARY

The bill sought to abolish joint and several liability for defendants in tort actions. Under the bill, each defendant was to be responsible for only the portion of damages attributed to his portion of the fault.

LD An Act to Amend the Maine Tort Claims Act Regarding LV/WD
256 Punitive Damages

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
HILLOCK	LV/WD	
ARMSTRONG		

SUMMARY

The bill primarily sought to limit awards of punitive damages in court actions based on tortious conduct to no more than twice the amount of any economic damages awarded in such an action. Punitive damages could have been awarded under the bill only upon a finding of malice or actual fraud by clear and convincing evidence. Any punitive damages awarded were to be transferred to the General Fund.