

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1988

MEMBERS

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Sen. N. Paul Gauvreau  
Sen. Henry W. Black

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Rep. Daniel E. Warren  
Rep. Harry L. Vose  
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Rep. Dana C. Hanley  
Rep. Francis C. Marsano

\* Denotes Chair

Staff: Gil Brewer, Legal Analyst  
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**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::*

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

*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.*

LD An Act to Create the Litigation Accountability Act  
268

LV/WD

SPONSOR(S)  
HILLOCK  
COLLINS

COMMITTEE REPORT  
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill sought to require the court in any civil action to award reasonable attorneys fees and costs against any attorney or party who brings or defends a civil action that the court determines lacks substantial justification.

LD An Act to Create a Noneconomic Damages Award Act  
269

ND 2523

SPONSOR(S)  
HILLOCK  
COLLINS

COMMITTEE REPORT  
ONTP MAJ  
OTP-ND-NT MIN

AMENDMENTS ADOPTED

SUMMARY

Replaced By LD 2523

LD An Act to Broaden Peer Review Immunity  
294

LV/WD

SPONSOR(S)  
KIMBALL  
HANLEY  
THISTLE  
CLARK M

COMMITTEE REPORT  
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill sought to broaden the confidentiality given by statute for proceedings and records of proceedings concerning reviews of hospitals and medical staffs conducted by committees of health care personnel on behalf of hospitals. The bill added reviews of medical care and reviews on behalf of individual physicians to the statute. It also removed the ability to discover these these and content of proceedings upon a showing of good cause. These provisions are included in LD 2520.

**LD** An Act to Exempt Directors of Credit Unions from Liability  
**338** on Certain Matters

LV/WD

SPONSOR(S)  
WARREN

COMMITTEE REPORT  
LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill sought to provide immunity from liability to directors of a nonprofit credit union for negligence of an employee of the credit union or for the negligence of another director of the credit union. A director of a nonprofit

credit union would thus have been liable only for negligence personal to the director or for intentional torts of the director. This issue is addressed in LD 2520.

LD An Act to Amend the Maine Tort Claims Act to Remove Joint LV/WD  
358 and Several Liability for Government Entities

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED  
MANNING LV/WD  
CURRAN

SUMMARY

The bill sought to limit the liability of governmental entities and governmental employees sued under the Maine Tort Claims Act to damage awards not exceeding the extent of an entity's or employee's actual negligence.

LD An Act to Abolish Joint and Several Liability ONTP  
526

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED  
RUHLIN ONTP MAJ  
DAVIS OTP-ND-NT MIN  
PARADIS P  
COLLINS

SUMMARY

Replaced by LD 2524.

LD An Act Regarding Liability for Foster Parents for Children LV/WD  
535 and Adults

SPONSOR(S) COMMITTEE REPORT AMENDMENTS ADOPTED  
CLARK M LV/WD  
COTE

SUMMARY

The bill sought to provide immunity from civil liability to foster parents of children and adult foster home providers if the foster parent was licensed, approved as meeting standards for licensure, or caring for a child at the request of the Department of Human Services pending licensure or approval. Such a foster parent would not have been immune from civil liability for willful or intentional abuse or neglect, or for gross neglect that resulted in serious harm to the child or adult. In these cases of liability, the damages for a single occurrence would have been limited to \$10,000.