

MAINE STATE LEGISLATURE

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STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE ON
JUDICIARY
BILL SUMMARY



JUNE 1987

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ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
JUNE 1987

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 if it is a floor amendment or the designation "COMMITTEE" if it is a committee amendment.

Final action for each bill is listed to the right of the title. If final House action and Senate action differ, both are listed.

Please let us know if you would prefer a different format or additional information and if the summaries are helpful.

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-A	Ought to Pass as Amended
ONTP	Ought Not to Pass
LVWD	Leave to Withdraw
INDEF PP	Indefinitely Postponed

LD AN ACT TO RECOGNIZE FOREIGN ADOPTION DECREES PL 1987
459 c. 102

Sponsor: FOSTER
Committee Report: OTP

SUMMARY: When adopting parents are seeking an adoption under the laws of Maine, this bill permits a judge of probate in Maine to recognize an adoption finalized in a foreign country based solely on the judgment of adoption in the foreign country.

LD AN ACT TO EXTEND THE TRUST LAND DESIGNATION OF ND LD 1511
488 THE PENOBSCOT NATION

Sponsor: PEARSON, Cashman
Committee Report: OTP-ND LD 1511

SUMMARY: See New Draft LD 1511.

LD AN ACT TO ALLOW THE USE OF ELECTRONIC RECORDING ND LD 1510
516 IN DISTRICT, SUPERIOR AND ADMINISTRATIVE COURTS

Sponsor: BRANNIGAN, Paradis, P., Cote, Begley
Committee Report: OTP-ND LD 1510

SUMMARY: See New Draft, LD 1510.

LD AN ACT RELATING TO ACTIVE RETIRED JUDGES IN PL 1987
517 THE ADMINISTRATIVE COURT c. 85

Sponsor: BRANNIGAN, Paradis, P., Marsano, Gauvreau
Committee Report: OTP-A
Amendments Adopted:
S-27 COMMITTEE

SUMMARY: The bill as amended provides statutory authority for a Retired Judge of the Administrative Court to be appointed as an Active Retired Judge of the Administrative Court. Thus, an Active Retired Judge of the Administrative Court may, upon assignment, sit in the Administrative Court, District Court, or Superior Court.

LD AN ACT TO ABOLISH JOINT AND SEVERAL LIABILITY CARRY-OVER
526

Sponsor: RUHLIN, Davis, Paradis, P., Collins
Committee Report: Carry-Over

SUMMARY: The bill seeks to abolish the joint liability of defendants in actions for personal injury, property damage,

or wrongful death. Each defendant is to be liable only for the portion of damages attributable to the defendant's percentage of the fault.

LD AN ACT REGARDING LIABILITY FOR FOSTER PARENTS CARRY-OVER
535 FOR CHILDREN AND ADULTS

Sponsor: CLARK, M., Cote
Committee Report: Carry-Over

SUMMARY: The bill seeks to provide immunity from civil liability to foster parents of children and adult foster home providers when the foster parent is 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 be immune from civil liability for willful or intentional abuse or neglect, or for gross neglect that results in serious harm to the child or adult. In these cases of liability, the damages for a single occurrence are limited to \$10,000.

LD AN ACT CONCERNING THE ATTACHMENT OF REAL LVWD
537 PROPERTY AND PERSONAL PROPERTY

Sponsor: WARREN, Marsano, Stevens, P., Paradis, P.
Committee Report: LVWD

SUMMARY: The bill sought to nullify all attachments of personal property after 5 years. The revisions suggested in this bill were addressed in LD 874.

LD AN ACT TO REFORM PROVISIONS OF THE CIVIL CARRY-OVER
539 JUSTICE SYSTEM

Sponsor: TWITCHELL, Perkins, Vose
Committee Report: Carry-Over

SUMMARY: The bill seeks to:

limit the compensation of a plaintiff in a personal injury action for noneconomic damages to \$250,000;

abolish the collateral source rule, thus permitting the admission into evidence of proof of collateral source payments made or substantially certain to be made to the plaintiff;

abolish joint and several liability, thus permitting a defendant to be liable only for the amount of damages proportionate to the defendant's percentage of the fault;