

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
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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

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;

reduce current pre- and post-judgment interest rates from the current fixed rates of 8% and 15% to a floating rate tied to the rate paid on U.S. Treasury notes during the preceding 6 months;

provide immunity to officers and directors of nonprofit associations and corporations as long as their conduct is not willful, wanton, or grossly negligent;

establish a new standard of liability for product's liability cases; and

prohibit the inclusion in a civil case filed in Superior Court of the amount of damages sued for.

LD AN ACT TO AMEND THE MARRIAGE PROHIBITIONS ND LD 1348
543 BASED ON CONSANGUINITY

Sponsor: MARTIN, J. Paradis, J.
Committee Report: OTP-ND LD 1348

SUMMARY: See New Draft, LD 1348.

LD AN ACT TO FACILITATE MUTUAL AID AGREEMENTS PL 1987
579 BETWEEN MUNICIPAL POLICE DEPARTMENTS c. 106

Sponsor: CARTER, Paradis, P., Black, Gauvreau
Committee Report: OTP-A
Amendments Adopted:
H-72 COMMITTEE

SUMMARY: The bill permits municipal officers to:

authorize the chief of police or other designee to request other municipalities to provide police officers to assist the requesting municipality; and

authorize the chief of police or other designee to provide police officers to another municipality requesting aid.

These authorizations must be accompanied by an agreement specifying which municipality shall assume liability for a police officer from one municipality rendering assistance to another.