## MAINE STATE LEGISLATURE

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#### STATE OF MAINE 113TH LEGISLATURE SECOND REGULAR SESSION



# BILL SUMMARY JOINT STANDING COMMITTEE ON JUDICIARY

MAY 1988

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Office of Policy & Legal Analysis Room 101, State House Sta. 13 Augusta, ME 04333 (207) 289-1670 EN T. GINDER, DIRECTOR
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### OFFICE OF POLICY AND LEGAL ANALYSIS

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

#### 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 Laurette 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 Clarify the Offense of Driving under the Influence LV/WD 1618 of Illegal Drugs

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

WARREN

LV/WD

MACBRIDE LEBOWITZ

STEVENSON

#### SUMMARY

LD 1618 proposed to strengthen the laws relating to driving under the influence of drugs other than alcohol. It would have authorized the use of chemical tests to determine violations similar to the current practice of using breathalyzers or blood tests to determine blood-alcohol levels in OUI cases.

LD An Act to Clarify the Authority for Judicial Suspension of 1879 Motor Vehicle Licenses

PUBLIC 575

**EMERGENCY** 

SPONSOR(S)
GAUVREAU

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-310 USHER

#### SUMMARY

LD 1879 clarified the authority of judges to suspend a person's drivers license for traffic violations which are not contained in Title 29.

Committee Amendment "A" (S-309) corrected a cross-reference to the recodified liquor laws.

Senate Amendment "A" (S-310) corrected the amending clause of the bill.

LD An Act to Clarify the Standard of Proof in Prelitigation INDEF PP

1941 Screening Panels

SPONSOR(S) BRANNIGAN COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-675 P PARADIS

S-395

S-452 BRANNIGAN

#### SUMMARY

LD 1941 proposed to clarify the standard of proof used by prelitigation screening panels so that the panels would apply the same legal standard as a court would use.

Committee Amendment "A" (S-395) completely rewrote the bill, adding an emergency preamble and emergency clause, redrafting the clarification of the standard of proof, and adding the following corrections and clarifications to present law:

1. It provides for a fee of \$75 per day to be paid to panel members other than the chairman;

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- 2. It repeals a screening panel's ability to hire its own experts;
- 3. It permits the waiver of filing fees in situations where essentially the same party is required to pay multiple fees;
- 4. It permits the panel chairman to require certain legal arguments to be resolved by the Superior Court;
- 5. It clarifies that a majority of the panel must find that a party has failed to comply with discovery or to comply with the law; and
- 6. It provided that the law would apply to actions pending on its effective date but House Amendment "A" (H-675) replaced the application clause of the Committee Amendment so that the authorization for fees to be paid to screening panel members would take effect immediately upon passage as would the removal of the panel's authority to hire its own experts. All other changes were made to apply prospectively only.

Senate Amendment "A" added an appropriation section to the bill.

An Act to Clarify the Immunity Provisions Affecting LV/WD LD 1943 Professional Review and Professional Competence Committees

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COMMITTEE REPORT AMENDMENTS ADOPTED

BRANNIGAN LV/WD

#### SUMMARY

The bill sought to amend a provision of the Maine Health Security Act concerning immunity provided to certain persons in reporting to certain boards regulating health care professionals. The proposed change would have expanded immunity for those reporters who are health care professionals or providers. It would have included within the law's scope reporting to additional types of committees. The issue is addressed in LD 2520.

LD An Act Clarifying the Authority of Superior Court Justices PUBLIC 1944 to Sit in District Court 577

SPONSOR(S)

COMMITTEE REPORT AMENDMENTS ADOPTED

GAUVREAU

OTP

#### SUMMARY

LD 1944 authorized the Chief Justice of the Supreme Court to assign a Superior Court Justice to sit in District Court.

This law was amended by LD 2521, the Errors Bill, to restrict the Chief Justice's authority so that only Superior Court Justices who are elevated to Superior Court can be re-assigned for the purpose of finishing cases which they presided over as a District Court Judge.

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