

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
Rep. Constance D. Cote
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Rep. Mary H. MacBride
Rep. Jeanne F. Begley
Rep. Dana C. Hanley
Rep. Francis C. Marsano

* Denotes Chair

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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::

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.

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.

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

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
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

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
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.