

STATE OF MAINE 113TH LEGISLATURE SECOND REGULAR SESSION



BILL SUMMARY JOINT STANDING COMMITTEE ON JUDICIARY

MAY 1988

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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 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.

House Amendment "A" (H-676) provided a transition clause to allow complaint justices to continue serving until August 1, 1988.

LDAn Act to Address Comprehensively Bail Relative to aPUBLIC2456Defendant in a Criminal Proceeding758

SPONSOR (S)	COMMITTEE REPORT	AMENDMENTS ADOPTED	
DIAMOND	OTP-AM	H-674	
BRANNIGAN		H-688 PARADIS P	
PARADIS P		H-741 PARADIS P	
FOSTER			

SUMMARY

LD 2456 proposed a total revision of the statutes relating to bail and provided for standards and the procedure under which a court may refuse bail to defendants charged with formerly capital crimes.

Committee Amendment "A" (H-674) rewrote the substantive portions of the LD and made the following changes:

- It removed the requirement that the State pay the fees of bail commissioners;
- It permits a criminal defendant to designate the owner of cash put up for bail so as to avoid its potential set-off against other obligations of the defendant;
- 3. It raises the standard under which a court must refuse bail to a defendant in a formerly capital case from probable cause to clear and convincing evidence; and
- 4. Made several clarifications in the original language of the LD.

House Amendment "A" (H-688) deletes an appropriation section and fiscal note.

House Amendment "B" (H-741) added a transition clause that permits current bail commissioners to continue in office until 60 days after the effective date of the law.

 LD
 An Act to Amend Maine's Domestic Relations Laws
 PUBLIC

 2465
 721

SPONSOR (S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ALLEN	OTP-AM	H-601
KILKELLY		

SUMMARY

LD 2465 proposed to require courts to apply the Department of Human Service's child support scale in divorce cases, to prevent the award of 3rd-party visitation privileges except where both parents of the child consented, and limited the extent of financial discovery in divorce actions.

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Committee Amendment "A" (H-601) rewrote the entire bill to clarify that divorce actions cannot be reopened by a 3rd-party blood relative of the child unless that person has been awarded visitation privileges under an existing court order.

LDAn Act to Provide Immunity from Civil Liability for CertainPUBLIC2519Emergency Medical Service System Participants638

COMMITTEE	REPORT	AMENDMENTS	ADOPTED
и.			

SUMMARY

SPONSOR(S) GREENLAW DILLENBACK DEXTER CARROLL

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New Draft Of LD 1453

The original bill, LD 1453, sought to provide immunity from civil liability for emergency medical service councils, and relevant faculty, instructors, hospital personnel, and hospitals when participating in teaching and training activities leading to the licensure of EMS personnel. LD 1453 would have given similar immunity to those physicians, nurses, and hospitals providing emergency care ordered by a medical control physician where that care was consistent with the EMS system's protocols and quality assurance guidelines. The immunity would have applied when the individual, organization, or institution had acted in good faith, with reasonable care, and, as applicable, upon probable cause.

The new draft, LD 2519, provides limited immunity from civil liability to hospitals, physicians and health care pactitioners in 2 situations:

- 1. The bill provides immunity from civil liability for negligence in the providing of instructions to an emergency medical services person transporting a patient only if the instructions are in accordance with established protocols. The instructions given are to be documented.
- The bill provides immunity from vicarious liability for the civil liability of a person being trained as an emergency medical services person. The immunity does not apply if the person being trained is an employee of the hospital or trainer.

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