

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
113TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARY  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1988

MEMBERS

Sen. Joseph C. Brannigan \*  
Sen. N. Paul Gauvreau  
Sen. Henry W. Black

Rep. Patrick E. Paradis \*  
Rep. Daniel E. Warren  
Rep. Harry L. Vose  
Rep. Constance D. Cote  
Rep. Gerard P. Conley, Jr.  
Rep. Dale F. Thistle  
Rep. Mary H. MacBride  
Rep. Jeanne F. Begley  
Rep. Dana C. Hanley  
Rep. Francis C. Marsano

\* Denotes Chair

Staff: Gil Brewer, Legal Analyst  
Martha Freeman, Legal Analyst

Office of Policy & Legal Analysis  
Room 101, State House Sta. 13  
Augusta, ME 04333  
(207) 289-1670

EN T. GINDER, DIRECTOR  
EN WHITESIDE, DEP. DIRECTOR  
ERT W. BREWER  
D C. ELLIOTT  
) FLATEBO  
THA E. FREEMAN, SR. ATTY.  
B. GAUTSCHI  
LIAM T. GLIDDEN, JR.



JULIE S. JONES  
JOHN B. KNOX  
EDWARD POTTER  
MARGARET J. REINSCH  
LARS H. RYDELL  
JOHN R. SELSER  
CAROLYN J. CHICK, PARALEGAL  
ROBERT W. DUNN, RES. ASST.  
HARTLEY PALLESCHI, JR. RES. ASST.

STATE OF MAINE  
**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::*

<b>OTP</b>	<b>Ought to Pass</b>
<b>OTP-ND</b>	<b>Ought to Pass in New Draft</b>
<b>OTP-ND-NT</b>	<b>Ought to Pass in New Draft, New Title</b>
<b>OTP-A</b>	<b>Ought to Pass as Amended</b>
<b>ONTP</b>	<b>Ought Not to Pass</b>
<b>LVWD</b>	<b>Leave to Withdraw</b>
<b>INDEF PP</b>	<b>Indefinitely Postponed</b>

*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.*

professional societies for chiropractors, dentists, podiatrists, and psychologists. The immunity applies to those listed people who act without malice and within the scope of the committee's function;

Revises existing statutes that provide immunity to physicians, both allopathic and osteopathic, who serve on peer review committees required for accreditation, established by the licensing board, or established by the professional society. As in existing law, these peer review committee members are given blanket immunity. The revisions to existing law in the bill simply make the language as parallel as possible with the newly enacted immunities described above;

Amends existing law that makes the proceedings and records of proceedings of hospital medical staff reviews confidential. Existing law applies to reviews conducted on behalf of hospitals when the reviews are required by state or federal law or for accreditation. The law makes the proceedings and records confidential and exempt from discovery unless good cause is shown. The law is extended to apply to medical care reviews done not only on behalf of hospitals, but on behalf of individual physicians. The law is broadened so that it not only applies to reviews required by law or for accreditation, but also to those done under the auspices of a physicians' professional society. The exception that permits discovery for good cause is deleted, making the proceedings and records entirely nondiscoverable.

**LD** An Act to Correct Errors and Inconsistencies in the Laws of **PUBLIC**  
**2521** Maine **769**  
**EMERGENCY**

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
BRANNIGAN PARADIS P	OTP-AM	S-404

SUMMARY  
LD 2521 was the first errors bill. See also LD 2638 and LD 2657.

**LD** An Act to Establish a Limit on Noneconomic Damages **NOT**  
**2523** **ACCEPTED**

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

SUMMARY  
ND Min Rpt of LD 269

The original bill, LD 269, sought to limit damage awards in personal injury actions to economic damages of any amount and noneconomic damages of no more than \$250,000 or the amount of economic damages awarded, whichever amount is greater.

The new draft, LD 2523, sought to set a limit of \$500,000 on noneconomic damages in personal injury actions. The jurors would not have been told of the limit, unless they returned a verdict of damages greater than \$500,000.