

## 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.

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.

LDAn Act to Correct Errors and Inconsistencies in the Laws ofPUBLIC2521Maine769

REPORT

EMERGENCY

AMENDMENTS ADOPTED

AMENDMENTS ADOPTED

S-404

SPONSOR(S) BRANNIGAN PARADIS P

#### SUMMARY

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

COMMITTEE

COMMITTEE

OTP-AM

 LD
 An Act to Establish a Limit on Noneconomic Damages
 NOT

 2523
 ACCEPTED

REPORT

SPONSOR(S) 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.

Office of Policy and Legal Analysis ......page 24 Judiciary In that circumstance, the judge would have asked the jurors to separate out the noneconomic damages portion of their award. If that portion was greater than \$500,000, the judge would have reduced the amount to \$500,000. LD 2523 set a repeal date of October 1, 1993, for this damages limitation. It also required the Superintendent of Insurance to report to the Legislature by February 1, 1993, on the impact of the damages limitation on insurance premiums.

LD	An Act i	to Modify	Joint	and	Several	Liability	NOT
2524							ACCEPTED

REPORT

COMMITTEE

AMENDMENTS ADOPTED

SPONSOR(S) RUHLIN DAVIS PARADIS P COLLINS

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#### SUMMARY

ND Min Rpt of LD 526

The original bill, LD 526, sought to abolish the joint liability of defendants in actions for personal injury, property damage, or wrongful death. Each defendant was to be liable only for the portion of damages attributable to the defendant's percentage of the fault.

The new draft, LD 2524, sought to abolish joint liability in limited circumstances. Multiple defendants in most civil actions in which the defense of comparative negligence may be raised, if applicable, would have remained jointly liable for all damages awarded unless a defendant was found to be less than 25% at fault as compared with the other defendants. For that defendant, liability would have been several only with regard to noneconomic damages. Thus, that defendant would only have been responsible for his portion of the noneconomic damages, but would have remained jointly liable for all economic damages. Defendants 25% or more at fault when compared to the other defendants would have been jointly liable for all economic damages. The several liability exception established in LD 2524 did not apply to environmental actions. In those cases, all defendants found liable would have been jointly liable for all damages.

LD An Act Relating to Exceptions to Prevent Escapes and Other PUBLIC 2528 Offenses under the Interception of Wire and Oral 680 Communications Law

AMENDMENTS ADOPTED		
MARSANO		

#### SUMMARY

LD 2528 proposed to authorize the use of wiretapping against prisoners in state prisons if the Department of Corrections suspected that the prisoner was involved in an attempt to escape or otherwise commit a criminal offense.

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