

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. Harry L. Vose
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Rep. Mary H. MacBride
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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 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.

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 to Modify Joint and Several Liability
2524

NOT
ACCEPTED

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

RUHLIN
DAVIS
PARADIS P
COLLINS

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 and noneconomic 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
2528 Offenses under the Interception of Wire and Oral
Communications Law

PUBLIC
680

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

MARSANO
PERKINS
CARROLL
MANNING

OTP

H-543 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.

House Amendment "A" (H-543) requires a judicial finding of probable cause before a wiretap may be used and explicitly prohibits any violation of an attorney-client privilege.

LD An Act Relating to the Time Limit for Delivering the Warrant PUBLIC
2529 or Process by Which a Prisoner is Detained 639

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
TAYLOR		
STROUT B		
MANNING		
GOULD R R		

SUMMARY
New Draft Of LD 2042

The original bill, LD 2042, proposed to extend the time limit within which an officer must deliver a copy of the legal authority under which he is holding a prisoner from 4 to 24 hours after a request is made for that copy.

The New Draft, LD 2529, retains the present 4-hour requirement for prisoners held before trial, but extends the requirement to 3 business days for prisoners held after conviction.

LD An Act Concerning High Speed Chases PUBLIC
2552 678

<u>SPONSOR(S)</u>	<u>COMMITTEE REPORT</u>	<u>AMENDMENTS ADOPTED</u>
MCGOWAN		H-542 MARSANO
MARTIN J		
CHONKO		
DEXTER		

SUMMARY
New Draft Of LD 1961

The original bill, LD 1961, proposed to increase the penalties for the crime of eluding an officer, authorized the forfeiture of violators' vehicles and required the Department of Public Safety to study new high-speed chase techniques.

The New Draft, LD 2552, deleted the forfeiture and study provisions and also increased the penalty for vehicular manslaughter from Class B to Class A if it occurs during a high-speed chase.

House Amendment "A" (H-542) simply redrafted the language of the vehicular manslaughter section of the LD.