

MAINE STATE LEGISLATURE

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**STATE OF MAINE
114TH LEGISLATURE
FIRST REGULAR SESSION**



**BILL SUMMARY
JOINT STANDING COMMITTEE
ON
JUDICIARY
JULY 1989**

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Sen. N. Paul Gauvreau
Sen. Muriel D. Holloway

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Rep. Constance D. Cote
Rep. Gerard P. Conley, Jr.
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Rep. Cushman D. Anthony
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Rep. Mary H. MacBride
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Rep. Peter G. Hastings
Rep. John H. Richards

*** Denotes Chair**

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ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

JOINT STANDING COMMITTEE
BILL SUMMARIES
AUGUST 1989

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 for 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 abbreviated 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 Research Assistant Barbara McGinn, and secretaries: Charlene Brann, and Valarie Parlin, and especially Laurette Knox who coordinated preparation of the overall document.

Please give us your suggestions and comments on these summaries and tell us of any inaccuracies.

ID 544 **An Act to Extend the Statute of Limitations for Medical Malpractice Cases**

CARRY OVER

SPONSOR(S)
PARADIS E

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill would extend the 3-year statute of limitations in medical malpractice cases to 5 years.

Carried over with the other medical malpractice bills.

LD 551 **An Act to Allow Recovery for Wrongful Death of Unborn Viable Fetus**

VETO SUSTAINED

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

PARADIS P
BERUBE
COLLINS

OTP-AM MAJ
ONTP MIN

H-429 MAJ REP
S-274 HOLLOWAY

SUMMARY

The bill would have defined "person" in the Wrongful Death Act to include unborn as well as unborn persons.

Committee Amendment "A" (H-429) (majority report) replaced the text of the bill. It included loss of an unborn viable fetus in the Wrongful Death Act, plus added certain caveats. The mother could not be held liable; there would be no cause of action for a legal abortion; there would be no cause of action for medical treatment if the doctor did not know and had no medical reason to believe that the woman was pregnant; the law could not be used to compel a woman to undergo treatment; no criminal statute was affected; and death of an unborn viable fetus would not be a medical examiner's case.

Senate Amendment "A" to Committee Amendment "A" (S-274) (with approval of committee) clarified the jurisdiction of the Probate Court to include cases of wrongful death of an unborn viable fetus. It also provided that the action could not be brought unless the mother or father is alive at the time the wrongful death action is commenced.

LD 556 **An Act to Prevent Discrimination**

INDEF PPND

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

CONLEY
GILL
GAUVREAU
RAND

OTP-AM MAJ
ONTP MIN

SUMMARY

The bill prohibited discrimination on the basis of sexual orientation in the areas of employment, housing, public accommodations and credit.

Committee Amendment "A" (H-211) (majority report) adds a fiscal note indicating that the Maine Human Rights Commission can absorb any additional costs. (Not adopted in Senate)

House Amendment "A" (H-236) would have submitted the question to the voters in a referendum. (Not adopted)