

# 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. Dana C. Hanley  
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.

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

**CARRY OVER**

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

PARADIS E

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

OTP-AM      MAJ

H-429      MAJ REP

BERUBE

ONTP      MIN

S-274      HOLLOWAY

COLLINS

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

OTP-AM      MAJ

GILL

ONTP      MIN

GAUVREAU

RAND

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)