

# 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  
114TH LEGISLATURE  
FIRST REGULAR SESSION**



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

**MEMBERS**

Sen. Barry J. Hobbins \*  
Sen. N. Paul Gauvreau  
Sen. Muriel D. Holloway

Rep. Patrick E. Paradis \*  
Rep. Constance D. Cote  
Rep. Gerard P. Conley, Jr.  
Rep. Patricia M. Stevens  
Rep. Cushman D. Anthony  
Rep. Susan Farnsworth  
Rep. Mary H. MacBride  
Rep. Dana C. Hanley  
Rep. Peter G. Hastings  
Rep. John H. Richards

\* Denotes Chair

Staff: Margaret J. Reinsch, Legislative Analyst

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

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
ULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
GILBERT W. BREWER  
RODD R. BURROWES  
MIRO FLATEBO  
JEBORAH C. FRIEDMAN  
JOHN B. KNOX



STATE OF MAINE  
**OFFICE OF POLICY AND LEGAL ANALYSIS**  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 289-1670

ANNIKA E. LANE  
EDWARD POTTER  
MARGARET J. REINSCH  
LARS H. RYDELL  
JOHN R. SELSER  
HAVEN WHITESIDE  
CAROLYN J. CHICK, RES. ASST  
ROBERT W. DUNN, RES. ASST  
HARTLEY PALLESCHI, JR., RES. ASST

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 1026      An Act to Modify Joint and Several Liability in Medical  
Malpractice Actions**

**CARRY OVER**

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

HANLEY  
HOLLOWAY  
DEGLEY

SUMMARY

The bill revises joint and several liability in medical malpractice cases to provide that liability is several and not joint only with regard to noneconomic damages.

Carried over with the other medical malpractice bills.

**LD 1028      An Act to Facilitate Treatment of Abused and Neglected  
Children**

**PUBLIC 226**

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

FARNSWORTH  
CONLEY  
BRANNIGAN  
ANTHONY

OTP-AM

H-138  
H-216    PARADIS P

SUMMARY

The bill allowed the admission of reports of mental health professionals without their attendance at the court proceeding.

Committee Amendment "A" (H-138) deleted the requirement that the notice requesting the mental health professional to testify include specific subject matter.

House Amendment "A" to Committee (H-216) replaced the text of the bill to more accurately carry out the intent.

**LD 1038      An Act to Establish a Limit on Noneconomic Damages in  
Medical Liability Actions**

**CARRY OVER**

SPONSOR(S)

COMMITTEE REPORT

AMENDMENTS ADOPTED

TWITCHELL  
MACBRIDE  
ROLDE  
HOLLOWAY

SUMMARY

The bill would limit noneconomic damages in medical malpractice cases to \$250,000.

Carried over with the other medical malpractice bills.