

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

Rep. Patrick E. Paradis *
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
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 1206 An Act to Assure that Probation Does Not Lessen Consecutive Terms of Imprisonment

LV/WD

SPONSOR(S)

CATHCART
DIPIETRO
LAWRENCE
ESTY

COMMITTEE REPORT

LV/WD

AMENDMENTS ADOPTED

SUMMARY

The bill would give courts the ability to rearrange split sentences to accommodate subsequent sentences without requiring the person to return to jail after serving probation.

LD 1242 An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination against Families with Children

**PUBLIC 245
EMERGENCY**

SPONSOR(S)

MATTHEWS
KETOVER
PRIEST
KILKELLY

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-115

SUMMARY

The bill prohibits housing discrimination against families with children consistent with federal law.

Committee Amendment "A" (S-115) corrects a technical error.

LD 1248 An Act to Encourage the Continuation of Obstetrical Services in the Medicaid Program

CARRY OVER

SPONSOR(S)

RANDALL

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

The bill would extend the Maine Tort Claims Act to physicians providing obstetrical services to Medicaid patients.

Carried over with the other medical malpractice bills.

LD 1253 An Act to Prevent, Punish and Remedy Violations of Constitutional Rights

PUBLIC 582

SPONSOR(S)

HOGLUND
DORE

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-325
H-363 TAMMARO
S-236 GAUVREAU

SUMMARY

The bill allows persons to seek equitable relief and attorney's fees, to protect the peaceable exercise or enjoyment of their constitutional rights.

Committee Amendment "A" (H-325) provides when attorney's fees may be awarded.

House Amendment "A" (H-363) makes a technical correction.

Senate Amendment "A" (S-236) clarifies that the conduct prohibited is only intentional conduct.

LD 1290 An Act to Increase the Punishment for Trafficking in and Possession of Cocaine PUBLIC 538

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| COTE | OTP-AM | H-339 |
| MARTIN J | | S-409 PEARSON |
| BREWER | | |
| PEDERSON | | |

SUMMARY

The bill would expand "aggravated trafficking" to include trafficking in over 500 grams of cocaine.

Committee Amendment "A" (H-339) retitled the bill. It reduces the amount of cocaine necessary for aggravated trafficking to 112 grams. It also creates the Class B crime of possession of more than 14 grams of cocaine.

LD 1292 An Act Regarding Tort Liability for Defective or Unreasonably Dangerous Goods LV/WD

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| LAWRENCE | LV/WD | |
| ANTHONY | | |
| GAUVREAU | | |

SUMMARY

The bill would change product liability to be decided upon the "consumer contemplation test."

LD 1305 An Act to Clarify the Method of Taxing Costs in Civil Actions LV/WD

| <u>SPONSOR(S)</u> | <u>COMMITTEE REPORT</u> | <u>AMENDMENTS ADOPTED</u> |
|-------------------|-------------------------|---------------------------|
| CONLEY | LV/WD | |

SUMMARY

The bill would amend the method by which courts set certain costs in civil matters. (See LD 1358)