

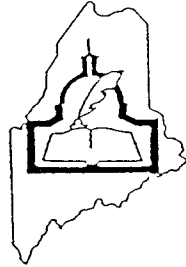
# MAINE STATE LEGISLATURE

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STATE OF MAINE  
114TH LEGISLATURE  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JUNE 1990

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**One Hundred and Fourteenth Legislature  
Second Regular Session**

**Joint Standing Committee  
Bill Summaries**

**June 1990**

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. Committee Reports and Floor Action are abbreviated as follows:

OTP  
OTP-ND  
OTP-ND-NT  
OTP-A  
ONTP  
LVWD  
INDEF PP

Ought to Pass  
Ought to Pass in New Draft  
Ought to Pass in New Draft, New Title  
Ought to Pass as Amended  
Ought Not to Pass  
Leave to Withdraw  
Indefinitely Postponed

Each individual summary was prepared by the analyst or analysts assigned to the committee. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond, 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 1826**      **An Act to Clarify Legislative Intent Governing a Position**      **PUBLIC 627**  
**Assignment**           **EMERGENCY**

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
PRIEST      OTP-AM      H-743

**SUMMARY**

The bill transfers a new clerk position from the Administrative Court to the Administrative Office of the Courts. The new position was created by PL 1989, c. 526 which established liquor seller education requirements.

Committee Amendment "A" (H-743) added emergency language to make the bill effective immediately.

**LD 1870**      **An Act to Clarify the Succession of Estates under the Maine**      **PUBLIC 695**  
**Probate Code**

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
MARSANO      •      OTP-AM      H-816

**SUMMARY**

The original bill amended the anti-lapse section of the Probate Code to provide for distribution of estates on a per capita at each generation basis when a bequest is made to a person's issue.

Committee Amendment "A" (H-816) replaced the bill. It clarifies the bill's wording and places the change in the section of the Probate Code which defines other generic terms.

**LD 1877**      **An Act to Amend the Maine Human Rights Act to Prohibit**      **PUBLIC 725**  
**Educational Discrimination on the Basis of National Origin**

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
PARADIS P      OTP-AM      H-825  
MARTIN J  
ESTES  
GILL

**SUMMARY**

The bill included "national origin" as a category against which discrimination in education is illegal.

The Committee considered, but did not adopt, changes regarding discrimination by private clubs.

Committee Amendment "A" (H-825) removed from the bill references to discrimination in athletic programs, and discrimination on the basis of marital or familial status.

**LD 1913**      **An Act to Make Improvements in the Operation of the Judicial**      **PUBLIC 722**  
**Department of the State**           **EMERGENCY**

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
PARADIS P      OTP-AM      H-848

**SUMMARY**

The bill amended several provisions regarding the relationship between the sheriffs and the courts. It covered reimbursement, attendance, security and transportation.

Committee Amendment "A" (H-848) adds emergency language to make the bill effective immediately. It also updates references, requires that the bailiff must first be approved by the resident judge, extends transportation requirements to cover any correctional facility, removes a sentence regarding fines levied by the court against sheriffs, and adds a fiscal note.

**LD 1932      An Act to Promote and Assist Barrier-free Construction in  
Places of Public Accommodation and Places of Employment**

**PUBLIC 795**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CLARK N	OTP-AM	S-536
KETOVER		S-568    CLARK N
PENDLETON		
GAUVREAU		

**SUMMARY**

The bill was originally referred to the Appropriations Committee, which held the public hearing, then rereferred the bill to Judiciary.

The bill required that buildings or facilities constructed, remodeled, renovated or enlarged specifically as places of public accommodation or places of employment after January 1, 1991, meet standards of construction. In addition, the bill required that plans for restaurants; motels, hotels, and inns; state, county and municipal buildings; and schools be reviewed by the State Fire Marshal's Office prior to construction. The bill also provided funds for the Maine Human Rights Commission to provide education and technical assistance.

Committee Amendment "A" (S-536) requires builders to provide a design professional's certification regarding compliance to the State Fire Marshal's Office and the municipality. It also allows for variances from the standards for only those buildings and facilities for which review is mandatory, and requires the Maine Human Rights Commission to report to the Judiciary Committee in 1992 regarding the effectiveness of the law. The amendment deletes the appropriation.

Senate Amendment "A" (S-563) clarified the application of the bill to include enlargements of at least \$100,000. (Not adopted)

Senate Amendment "B" (S-568) clarified the application of the bill to include enlargements of at least \$100,000.

House Amendment "A" to Committee Amendment "A" (H-907) added a paragraph to the fiscal note.

**LD 1957      An Act to Clarify the Laws Governing Prelitigation Screening  
Panels**

**PUBLIC 827  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MACBRIDE	OTP-AM	H-984

**SUMMARY**

The bill amended the medical malpractice prelitigation screening panel procedure to provide for alternate service and to provide for dismissal of pending cases.

Committee Amendment "A" (H-984) adds 2 sections to the bill to carry out the purposes behind LD 2101 regarding the tolling of the statute of limitations. The amendment provides that the statute of limitations is tolled when the notice of claim is served or filed in Superior Court until 30 days after