

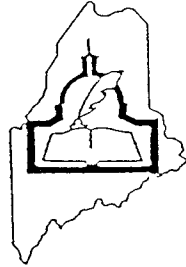
MAINE STATE LEGISLATURE

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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.

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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
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

the panel's decision. It also provides that a panel chair needs extraordinary cause to extend any time limits which would cause the hearing before the panel to be held more than one year after the notice of claim.

LD 1974 **An Act to Clarify the Status of Court Mediators, Court Appointed Special Advocates and Bail Commissioners with Respect to Civil Liability** **PUBLIC 617**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HASTINGS	OTP	

SUMMARY

The bill extends the benefits of the Maine Tort Claims Act to court mediators, court appointed special advocates, bail commissioners, the Director or Deputy Director of the Court Mediation Service and the Director of the Court Appointed Special Advocate Program.

LD 1996 **An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code** **PUBLIC 693**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOBBS	OTP-AM	S-527

SUMMARY

The bill clarifies language regarding the place of imprisonment for suspended and unsuspended portions of sentences of imprisonment; establishes abstinence from alcohol as an appropriate condition of probation; uses the concept of "monetary penalty" instead of "fine"; requires the court to examine the proper place of imprisonment when probation is violated during a split sentence; authorizes the court to order more than one sentence served in the same place; standardizes good time deductions; and deletes unnecessary language.

Committee Amendment "A" (S-527) clarifies the language regarding place of imprisonment for split and straight sentences.

LD 2009 **An Act to Promote Judicial Economy by Allowing Corporate Self-representation in Traffic Cases** **PUBLIC 755 EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J WEBSTER C CONLEY	OTP-AM	H-867

SUMMARY

The bill authorized businesses and corporations to represent themselves, without an attorney, in traffic infraction matters.

Committee Amendment "A" (H-867) adds emergency language to make the bill effective immediately. It also revises the situations in which an attorney is not necessary to represent a corporation in traffic matters to include only entering pleas or admissions and paying penalties.