

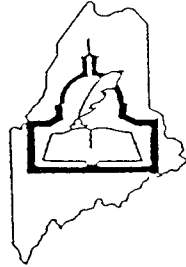
# MAINE STATE LEGISLATURE

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  
SECOND REGULAR SESSION



BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

JUNE 1990

Staff:

Margaret J. Reinsch, Legislative Analyst  
Todd R. Burrowes, Legislative Analyst

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

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. McBride  
Rep. Dana C. Hanley  
Rep. Peter G. Hastings  
Rep. John H. Richards

\*Denotes Chair

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
GILBERT W. BREWER  
TODD R. BURROWES  
GRO FLATEBO  
DEBORAH C. FRIEDMAN  
JOHN B. KNOX



PATRICK NORTON  
HARTLEY PALLESCHI  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
JOHN R. SELSER  
HAVEN WHITESIDE  
JILL IPPOLITI, RES. ASST.  
BARBARA A. MCGINN, RES. ASST.  
BRET A. PRESTON, RES. ASST.

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

**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 2011**

**An Act to Provide Additional Information to People with  
Small Claims Actions**

**LV/WD**

**SPONSOR(S)**

ROTONDI  
HOGLUND  
PARADIS P  
MARSANO

**COMMITTEE REPORT**

LV/WD

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill required the Supreme Judicial Court to develop an information sheet on small claims court to be distributed by District Court clerks. Similar information is currently available.

**LD 2023**

**An Act to Establish a Five-year Medical Liability  
Demonstration Project**

**DIED BETWEEN  
BODIES**

**SPONSOR(S)**

GAUVREAU  
RICHARDS  
CLARK M  
FARNSWORTH

**COMMITTEE REPORT**

JT RULE 13

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill authorized the establishment of a 5-year medical liability demonstration project within the medical specialty areas of anesthesiology, emergency medicine and cardiology. It required the Board of Registration in Medicine to establish medical specialty advisory committees to develop standards of practice in those areas. A physician adhering to the standards would be immune. Pursuant to Joint Rule 13, the President of the Senate and the Speaker of the House of Representatives required the bill to be reported out of committee without a Committee Report.

Senate Amendment "A" (S-683) represented the minority report of the Committee. It replaced the bill and amended discovery procedures for medical malpractice cases, modified the collateral source rule to require the judge to reduce an award by collateral source payments in medical malpractice cases, capped noneconomic damages in medical malpractice cases at \$250,000 as adjusted yearly by the Consumer Price Index, established the Medical Liability Demonstration Project for the medical specialty areas of anesthesiology, emergency medicine and obstetrics and gynecology and the Rural Medical Access Program. (Not adopted - Ruled not germane by the Speaker of the House of Representatives)

Senate Amendment "B" (S-685) represented the majority report of the Committee. It replaced the bill and established the Medical Liability Demonstration Project for the medical specialty areas of anesthesiology and obstetrics and gynecology. (Not adopted)

House Amendment "A" (H-1112) represented the majority report of the Committee. It replaced the bill, established the Medical Liability Demonstration Project for the medical specialty areas of anesthesiology and obstetrics and gynecology and established the Rural Medical Access Program. (Not adopted)

House Amendment "B" (H-1114) represented the minority report of the Committee. It replaced the bill and the title and amended discovery procedures for medical malpractice cases, modified the collateral source rule to require the judge to reduce an award by collateral source payments in medical malpractice cases, capped noneconomic damages in medical malpractice cases at \$250,000 as adjusted yearly by the Consumer Price Index, established the Medical Liability Demonstration Project and the Rural Medical Access Program. (Not adopted)