

MAINE STATE LEGISLATURE

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STATE OF MAINE
115TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1992

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1992

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 volume is organized alphabetically by committee; within each committee, the summaries are arranged by LD number. A subject index is provided at the beginning of each committee's summaries.

All adopted amendments are listed, by paper number (e.g., H-584 or S-222), together with the sponsor for floor amendments. Final action on each bill is listed to the far right of the title. Various types of final action are abbreviated as follows:

PUBLIC XXX	Chapter # of enacted Public Law
P&S XXX	Chapter # of enacted Private & Special Law
RESOLVE XXX	Chapter # of enacted Resolve
CON RES XXX	Chapter # of Constitutional Resolution passed by both Houses
EMERGENCY	Enacted law takes effect sooner than 90 days
CARRIED OVER	Bill carried over to Special Session
ONTP	Ought Not to Pass report accepted
LVWD	Leave to Withdraw report accepted
INDEF PP	Bill Indefinitely Postponed
FAILED EMERGENCY ENACTMENT	Emergency bill failed to get 2/3 vote
DIED BETWEEN BODIES	House and Senate disagree; bill died
CONF CMTE UNABLE TO AGREE	Committee of Conference formed but unable to agree
VETO SUSTAINED	Legislature filed to override Governor's Veto
UNSIGNED	Not signed by Governor within 10 days
DIED ON ADJOURNMENT	Action incomplete when session ended; bill died

These summaries were 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, especially Laurette Knox who coordinated preparation of the overall document.

If you have any suggestions or comments on these summaries, please let us know.

Joint Standing Committee on Judiciary

LD 171 **An Act to Strengthen the State's Role in Drug-related Prosecution** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P GAUVREAU RICHARDS	ONTP	

SUMMARY

The bill established guidelines for the prosecution in federal and state court of drug offenses. The Attorney General is establishing drug prosecution guidelines without legislation.

LD 271 **An Act to Replace Certain Criminal Fines with Community Service** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	ONTP	

SUMMARY

The bill gave judges discretion when imposing fines for committing crimes, allowing judges to prescribe specific community service or another alternative sentencing program. A convicted person could choose the alternative rather than pay all or part of the fine.

LD 298 **An Act Regarding District Court Location** ONTP-MAJ REP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OTT	ONTP MAJ OTP MIN	

SUMMARY

The bill transferred Kennebunk and Kennebunkport to the District Court of Southern York.

LD 344 **An Act to Establish a Limit on Noneconomic Damages in Medical Liability Actions** DIED BETWEEN BODIES

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HASTINGS RICHARDS TWITCHELL BERUBE	ONTP MAJ OTP-AM MIN	

SUMMARY

The bill set a limit of \$250,000 on noneconomic damages in medical liability actions, as recommended by the United States Department of Health and Human Services in its Report of the Task Force on Medical Liability and Malpractice, August 1987. A plaintiff would still be entitled to the plaintiff's full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other objectively verifiable monetary losses.

Committee Amendment "A" (H-875) - Minority report: The amendment added a fiscal note. [adopted in the Senate]

Senate Amendment "A" (S-545) raised the limit on noneconomic damages allowed to \$500,00 and required the Judiciary Committee to study the effect of the limitation and report back to the Legislature on November 1, 1993. [not adopted]

LD 345 An Act Relating to Surrogate Parenting

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DORE PARADIS J COTE KANY	ONTP	

SUMMARY

The bill established that surrogate parent contracts are against public policy and not legal or binding in this State. In the case of a child born pursuant to such a void contract, the child's so-called surrogate mother would have all usual rights to the child, and any rights of the sperm donor, donor's spouse, or egg donor, must be established pursuant to the usual paternity custody and adoption laws of the State. To further discourage surrogate agreements, any fee paid to the mother beyond her actual medical expenses would be confiscated and placed in trust for the child.

The bill prohibited compensated brokerage services, and violation of the prohibition would be a Class D crime. Any compensation received for brokerage services would be forfeited and placed in trust for the child.

Finally, a court would allocate parental rights and responsibilities and responsibility for support. Until a final determination on these issues is made, custody of the child would be held by the so-called surrogate mother.

The Maine State Bar Association is studying the issue during the 1992 interim.

LD 513 An Act Requiring the Provision of Information to Victims of Gross Sexual Assault

PUBLIC 803

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TOWNSEND VOSE	OTP-AM MAJ ONTP MIN	H-963 MAJ REP S-692 GAUVREAU

SUMMARY

The bill allowed a victim of the crime of gross sexual assault to request that the person convicted be required to submit to an HIV test. Because a person can be a carrier before the HIV test is positive, the person convicted would be tested every 6 months throughout the sentence. The test results must be provided to the victim. The victim cannot release the results to anyone other than the victim's physician and lawyer. Current law prohibits the release of the information by the lawyer and physician, and by the victim to anyone else.

Committee Amendment "A" (H-963) - Majority Report: The amendment replaces the bill, but carries out the original intent of the bill, which is to provide for HIV testing of offenders convicted of gross sexual assault upon the request of the victim and if there was a significant risk of infection. This amendment applies to only gross sexual assaults in which it is alleged that there was exposure to blood or body fluids, and the exposure created a significant risk of HIV infection.