

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
115TH LEGISLATURE**

**FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**AUGUST 1991**

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**ONE HUNDRED AND FIFTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
AND  
FIRST SPECIAL SESSION  
JOINT STANDING COMMITTEE  
BILL SUMMARIES  
AUGUST 1991**

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 right of the title. Various types of final action are abbreviated as follows:

<b>PUBLIC XXX</b>	<i>Chapter # of enacted Public Law</i>
<b>P&amp;S XXX</b>	<i>Chapter # of enacted Private &amp; Special Law</i>
<b>RESOLVE XXX</b>	<i>Chapter # of enacted Resolve</i>
<b>CON RES XXX</b>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<b>EMERGENCY</b>	<i>Enacted law takes effect sooner than 90 days</i>
<b>CARRIED OVER</b>	<i>Bill carried over to 2nd Session</i>
<b>FAILED EMERGENCY ENACTMENT</b>	<i>Bill failed to get 2/3 vote</i>
<b>ONTP</b>	<i>Ought Not to Pass report accepted</i>
<b>LVWD</b>	<i>Leave to Withdraw report accepted</i>
<b>INDEF PP</b>	<i>Bill Indefinitely Postponed</i>
<b>DIED BETWEEN BODIES</b>	<i>House &amp; Senate disagree; bill died</i>
<b>VETO SUSTAINED</b>	<i>Legislature failed to override Governor's Veto</i>
<b>UNSIGNED</b>	<i>Not signed by Governor within 10 days</i>
<b>DIED ON ADJOURNMENT</b>	<i>Action incomplete when 1st session ended</i>

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, and especially Laurette Knox who coordinated preparation of the overall document.

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

**LD 320      An Act to Permit Jury Duty Exemptions for Primary Caregivers of Children Under the Age of 15      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOLT HICHENS PFEIFFER HOLLOWAY	ONTP	

**SUMMARY**

The bill would have allowed parents who provide care for and supervise their children during normal court hours to be excused from jury service if they desire.

**LD 334      An Act to Modify Joint and Several Liability in Medical Malpractice Actions      LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HANLEY TWITCHELL BERUBE	LV/WD	

**SUMMARY**

The bill would have modified, to a limited extent, joint and several liability in medical malpractice cases only. Each defendant would have been responsible for only that defendant's portion of the noneconomic damages, but would have remained jointly liable for all economic damages.

**LD 344      An Act to Establish a Limit on Noneconomic Damages in Medical Liability Actions      CARRIED OVER**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HASTINGS RICHARDS TWITCHELL BERUBE		

**SUMMARY**

The bill would set a limit of \$250,000 on noneconomic damages in medical liability actions.

**LD 345      An Act Relating to Surrogate Parenting      CARRIED OVER**

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

**SUMMARY**

The bill would prohibit surrogate parenting contracts as against public policy and therefore not legal or binding in this State. The so-called surrogate mother would be considered the child's mother and the rights of the other parties to the contract or their spouses would be determined under existing paternity, custody and adoption laws of this State. Any fee paid beyond actual medical expenses would be placed in trust for the child. Compensated brokerage services would be prohibited as a Class D crime.

Any compensation would be placed in trust for the child. Until the court makes a final determination about the custody and support of the child, custody would remain with the surrogate mother.

**LD 352      An Act Regarding Change of Name upon Divorce or Annulment      LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
WEBSTER	LV/WD	
TITCOMB		
MELENDY		
HOLLOWAY		

**SUMMARY**

The bill would have required a court to grant a request by a party to a divorce action to return to a former name. See LD 1140.

**LD 354      An Act to Amend the Definition of Sexual Contact      LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HOLLOWAY	LV/WD	
BUSTIN		
STEVENS P		
GAUVREAU		

**SUMMARY**

The bill would have amended the definition of sexual contact to include touching of breasts.

**LD 382      An Act to Allow a Limit on Fees for Service of Disclosure Subpoenas      LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
STEVENS P	LV/WD	
HOLLOWAY		
RICHARDS		
CATHCART		

**SUMMARY**

The bill would have stated in the statute that a judgment creditor in a small claims action may limit the expense that may be incurred in service on a judgment debtor.

**LD 383      An Act Regarding Judgment Notices in Small Claims Proceedings      INDEF PP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KETTERER	OTP	

**SUMMARY**

The bill would have amended the laws concerning small claims proceedings to include in the notice informing the defendant of a disclosure hearing that, if the defendant does not appear, a civil order of arrest may be issued if requested by the judgment creditor. (Reported out of Committee before PL 1991, c. 9 approved. Indefinitely postponed as in conflict with PL 1991, c. 9, Pt. E, §12.)