

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:

PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
CARRIED OVER	<i>Bill carried over to 2nd Session</i>
FAILED EMERGENCY ENACTMENT	<i>Bill failed to get 2/3 vote</i>
ONTP	<i>Ought Not to Pass report accepted</i>
LVWD	<i>Leave to Withdraw report accepted</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
VETO SUSTAINED	<i>Legislature failed to override Governor's Veto</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
DIED ON ADJOURNMENT	<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 680**An Act to Amend the Maine Human Rights Act Regarding Pregnancy****DIED BETWEEN
BODIES**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KETOVER	OTP-AM	MAJ
BUSTIN	ONTP	MIN
MURPHY		
CLARK M		

SUMMARY

The bill would have prohibited an employer from terminating an employee who is temporarily disabled because of a disability or illness resulting from pregnancy, pursuant to an employment policy under which insufficient or no leave is available.

Committee Amendment "A" (H-224) (Majority report) clarified that termination of an employee temporarily disabled by pregnancy is illegal if the termination is caused by an employment policy that provides insufficient or no leave. There is an exception for "business necessity."

House Amendment "A" to Committee Amendment "A" (H-283) included a rebuttable presumption that, if the employer has fewer than 15 employees, the termination is justified by business necessity.

Senate Amendment "A" to Committee Amendment "A" (S-178) exempted employers of fewer than 6 employees.

Senate Amendment "B" to Committee Amendment "A" (S-255) allowed employers with fewer than 6 employees to treat a temporary disability due to pregnancy the same as any other temporary disability.

LD 687**An Act to Clarify the Standard for Punitive Damages in Negligence Cases****LV/WD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
KILKELLY	LV/WD	
OTT		
PARADIS P		
COTE		

SUMMARY

The bill would have established a statutory standard for the award of punitive damages. The standard would have been proof of gross negligence by a preponderance of the evidence. One-half of all punitive damages recovered would have been paid to the State.

LD 695**An Act to Amend the Uniform Fraudulent Transfer Act****PUBLIC 114**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MITCHELL E	OTP-AM	H-103
GAUVREAU		
COTE		
PARADIS P		

SUMMARY

This bill restores the remedy of double damages for fraudulent transfers. In 1985 the Legislature enacted the Uniform Fraudulent Transfer Act and repealed the provision authorizing damages of up to 2 times the value of the property involved in the fraud.

Committee Amendment "A" (H-103) makes a technical wording correction.

LD 713 An Act to Increase the Maximum Permissible Fines for Class D and Class E Crimes LV/MD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	LV/WD	
PARADIS P		

SUMMARY

The bill would have doubled the maximum permissible fines for Class D and Class E crimes. See LD 644.

LD 714 An Act to Waive Restrictions on Certain Physicians LV/MD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GILL	LV/WD	
MANNING		
CLARK M		
BOST		

SUMMARY

The bill would have extended immunity to retired licensed physicians providing services on a volunteer basis, whether or not a nonprofit agency is involved.

LD 733 An Act Relating to the Definition of Gross Sexual Assault under the Maine Criminal Code PUBLIC 569

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU	OTP-AM	S-71
HOLLOWAY		
HASTINGS		

SUMMARY

The bill reclassifies the crime of gross sexual assault when the other person is unconscious or otherwise incapable of resisting and has not consented to the sexual act. Current law designates the crime as a Class C crime; the bill makes it a Class B crime.

Committee Amendment "A" (S-71) adds a fiscal note.

LD 750 An Act to Better Protect Adults and Children Giving Testimony of Alleged Abuse or Neglect Who Reside in Care Facilities LV/MD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DONNELLY	LV/WD	
BERUBE		
HOLLOWAY		

SUMMARY

The bill would have allowed out-of-court statements to be admitted into evidence in proceedings related to allegations of abuse or neglect in adult and child care facilities.