

# 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.

of no more than \$10 that would be contributed to a fund available generally for restitution to victims of any crime. The restitution available from this fund would include payments for property loss, many types of allowable expenses, work loss, replacement services loss and, if a victim died, dependent's economic loss and dependent's replacement service loss.

**LD 851**      **An Act to Modify the Law Relating to Continuing Deliberation  
by a Civil Jury in the Face of Disagreement**      **PUBLIC 60**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GAUVREAU CARROLL D MELENDY MAYO	OTP-AM	S-36

**SUMMARY**

The bill amends a provision enacted in 1821 that automatically aborts a civil jury trial following the return into court of a jury twice in consequence of disagreement based upon the same difficulties. Given the current costs of retrial and the impact on scarce court resources posed by a retrial, this bill leaves the decision to abort in the face of such disagreement to the trial justice.

Committee Amendment "A" (S-36) makes technical corrections.

**LD 865**      **An Act to Clarify the Laws Governing Prelitigation Screening  
Panels**      **LV/MD**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MACBRIDE PARADIS P GAUVREAU RICHARDS	LV/WD	

**SUMMARY**

The bill would have clarified 3 points regarding the operation of prelitigation screening panels. The bill would have broadened the criteria for chairs when agreed upon by all parties. The bill would have provided for reciprocal sanctions for failing to comply with rules or orders of the chair. Finally, the bill would have clarified that discovery may be conducted in a subsequent court action as long as the discovery is not duplicative of the discovery conducted during the panel proceeding. See LD 243.

**LD 874**      **An Act Concerning the Judicial Review of Children in Custody  
of the Department of Human Services**      **PUBLIC 176**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DORE CATHCART BERUBE ANTHONY	OTP-AM	H-174

**SUMMARY**

The bill allows a foster parent to petition for standing and intervenor status in any child protection proceeding if the foster child lives or has lived in that foster parent's home. It requires the court to enter a final protection order within 18 months when a child has been placed in the custody of the Department of Human Services. It prohibits the court from extending the time for reunification efforts