

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.

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 PUBLIC 60
by a Civil Jury in the Face of Disagreement

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 LV/WD
Panels

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 PUBLIC 176
of the Department of Human Services

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

more than once. It requires the court to enter an order making permanent plans for the child and releasing the department from further reunification efforts when 2 placements with the same parent have failed and the child is returned to the custody of the department.

Committee Amendment "A" (H-174) places the requirement that the court make a final protection order within 18 months of the preliminary protection order in a more appropriate section of the Maine Revised Statutes than did the bill and permits that time period to be extended for good cause. It adds a provision permitting the parent to demonstrate that the court should order reunification more than once.

**LD 878 An Act to Clarify the Confidentiality of Public Employee
Disciplinary Records**

PUBLIC 229

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
BUSTIN VOSE GRAY GREENLAW	OTP-AM	S-114

SUMMARY

The bill clarifies the confidentiality laws in the Maine Revised Statutes, Title 5, section 7070 to ensure that accusations of misconduct levied by a public employer against an employee are not disclosed to the public unless the charges are upheld by a neutral arbitrator or the employee does not appeal the disciplinary action through procedures generally provided in collective bargaining agreements.

Committee Amendment "A" (S-114) clarifies the definition of "final written decision" to be dependent on whether the action is appealed pursuant to a grievance procedure, including being appealed to a neutral arbitrator.

**LD 884 An Act to Protect Access to Medicare, Medicaid and Social
Security Benefits and Maintain Insurance Premiums**

LV/WD

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
VOSE TREAT STEVENS P LAWRENCE	LV/WD	

SUMMARY

The bill would have repealed the collateral source provisions enacted in the Second Regular Session of the 114th Legislature, which reduced the amount of a jury award to the victim of medical negligence by any collateral source payment the victim received from another source, such as an employer or health insurance carrier.