

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.

The amendment is based on the current provisions providing for testing of a patient without that patient's consent if a health care or emergency worker has been exposed to the patient's blood or body fluids and the exposure creates a significant risk of infection of HIV. Once a person is convicted of gross sexual assault, the victim may petition the appropriate District Court to order the offender to undergo HIV testing if the offender has refused to be tested voluntarily. A prerequisite to the request for testing is that the victim must have been tested for HIV within the first 6 weeks following the gross sexual assault. This is in recognition of the fact that the only accurate way for the victim to determine if the victim is infected is for the victim to be tested over time.

Upon receipt of the petition, the District Court will hold a hearing to determine if requiring the offender to undergo testing is appropriate under the circumstances. The requirements are that the victim has undergone testing, the exposure to blood or body fluids created a significant risk of infection and the offender has refused to consent to testing. The results of the test of the offender can then be released to the victim. The offender may choose not to be informed about the test results. All confidentiality and counseling requirements apply to all tests and test results.

The Department of Human Services, Bureau of Health is currently authorized to release test results regarding the offender to the victim in limited circumstances in which a public health risk exists, and under the partner notification program.

Senate Amendment "A" to Committee Amendment "A" (S-692): The amendment deletes references to the convicted offender's counsel and specifically provides for the release of the convicted offender's test results to the victim-witness advocate who then discloses the results to the petitioner after the petitioner has received counseling regarding the nature, reliability and significance of the convicted offender's HIV test result. It also requires the availability of counseling when the victim receives the convicted offender's test results.

House Amendment "A" to Committee Amendment "A" (H-1243): The amendment is identical to Senate Amendment "A" to Committee Amendment "A". [not adopted]

LD 933 **An Act to Promote Equity in Court Filing Fees**

ONTP

SPONSOR(S)

GAUVREAU
CONLEY
OTT
LIPMAN

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill revised the filing fee schedule for civil cases. Under the current schedule, all civil litigants are subject to the same fees, no matter what the type of case, the complexity of the case or the amount of damages or other debt in question. The bill specifically permitted the Supreme Judicial Court to set filing fees based on the amount in controversy.