

# 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.

promise contained or implied in the contacts must be sufficient to cause a reasonable person to believe that no notice need be filed for the damages to be covered.

If the contacts are limited to specific injuries or damages, the injured person must still file a timely notice for all other injuries or damages arising out of the same incident or event.

Nothing prevents the injured party and the governmental entity or insurer from settling the claim.

The amendment specifically prevents behavior such as that occurring in Bruno v. City of Lewiston, Maine, 570, A.2d 1221 (1990).

**LD 1463      An Act to Reconcile Dates Barring Claims in the Probate Code      PUBLIC 188**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	OTP	

**SUMMARY**

The bill makes uniform the time period after which all claims against a decedent's estate and against distributees are barred. Public Law 1989, chapter 661 revised the notice provisions in the Probate Code, establishing a 9-month period for claims against a decedent's estate and a one-year period for claims against distributees of the estate. The bill makes both time periods 9 months.

**LD 1464      An Act to Ensure National Standards of Care      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY	ONTP	

**SUMMARY**

The bill would have required all physicians in the medical specialty area for which practice parameters and protocols are developed to be governed by the parameters and protocols. Additionally, the bill would have required that the parameters and protocols be developed for the purpose of increasing the quality of health care provided in the State and, so that the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration will have clear criteria for measuring shoddy health care and incompetent physicians. The bill would have also required that the practice parameters and protocols be consistent with national standards of care and that these boards strive to improve the quality of care provided in the State by adopting standards that recognize the highest level of care attainable. The bill would have made the practice parameters the legal standard in all medical negligence cases and would have required all physicians in the regulated specialty to comply with them.

**LD 1474      An Act to Protect Consumers and Provide Access to Information      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GOODRIDGE MAHANY RAND	ONTP	

**SUMMARY**

The bill would have allowed a victim of medical injury the opportunity to participate in medical peer review relating to that injury and to receive a complete legible copy of the hospital incident report

reporting the medical injury. The bill would have repealed a provision that made confidential information under the Maine Health Security Act, Maine Revised Statutes, Title 24, section 2501, unavailable for an action relating to the provision or failure to provide health services.

**LD 1477      An Act Concerning the Liability of Sport Shooting Range Operators      ONTP**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
RUHLIN RICHARDS SUMMERS DUFFY	ONTP	

**SUMMARY**

The bill would have provided that the operation of a shooting range may not be enjoined on the basis of noise and provides that persons who operate or use shooting ranges are not subject to civil action for nuisance relating to noise if the range is in compliance with all ordinances relating to noise in effect at the time construction or operation of the range was approved.

**LD 1483      An Act to Remove the Statute of Limitations for Incest and Gross Sexual Assault      PUBLIC 585**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
PARADIS P GAUVREAU DUPLESSIS FARNSWORTH	OTP-AM	H-563

**SUMMARY**

The bill eliminates the statute of limitations for the criminal prosecution of the crimes of gross sexual assault and incest if the victim of the crime was not at least 16 years of age at the time the crime was committed.

Committee Amendment "A" (H-563) replaces the bill. It makes technical corrections but maintains the purpose and effect of removing the criminal statute of limitations for the crimes of gross sexual assault and incest against persons under the age of 16 years at the time of the crime.

The amendment clarifies that the criminal statute of limitations is removed for the crime of rape, which is included in gross sexual assault. It also clarifies that crimes committed under the gross sexual misconduct statute are included even though the name of that crime was changed to gross sexual assault by the 114th Legislature.

**LD 1498      An Act to Promote Gun Safety      CARRIED OVER**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
OLIVER		

**SUMMARY**

The bill would create penalties applicable to persons who recklessly leave firearms accessible to children under the age of 16 years.