

# 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.

**LD 1590 An Act to Establish the Maine Volunteer Service Act****CARRIED OVER**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARTIN J BUSTIN CARROLL D		

**SUMMARY**

The bill tracks the Model State Volunteer Service Act, December 1990, developed by the United States Department of Justice and is intended to serve the purposes outlined in the preamble to that Act. It would provide immunity from suit for the acts and omissions of volunteers to nonprofit organizations, corporations or hospitals when acting within the scope of their official functions. Unlike the model act, volunteers to governmental entities are not covered as they are already granted immunity under the Maine Tort Claims Act. Suits against volunteers for motor vehicle accidents would be excluded from this immunity up to the limits of applicable insurance coverage.

**LD 1593 An Act to Amend the Maine Health Security Act****CARRIED OVER**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
STEVENS P KETTERER CONLEY OTT		

**SUMMARY**

The bill would amend the provisions of the Maine Health Security Act dealing with malpractice screening panels to:

1. Include attorneys at law with trial experience in the selection of a panel chair;
2. Revise the current makeup of the panels, requiring that the panel members be selected from the Superior Court jury list of the county where the panel will convene; and
3. Require that a report on any finding of negligence by the panel members be sent to and maintained by the Board of Registration in Medicine.

The bill would repeal the provisions of the Maine Health Security Act regarding structured awards and limitations on contingent fees.

The bill would provide access to proceedings and records of the Board of Registration in Medicine by the mediation panels established pursuant to the Maine Health Security Act.

**LD 1618 An Act to Provide Due Process To Participants in the Driver Education Evaluation Program****PUBLIC 516  
EMERGENCY**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CONLEY STEVENS P TRACY	OTP-AM	H-634 JACQUES S-263

**SUMMARY**

The bill restores the licenses of Driver Education Evaluation Program, or DEEP, participants, conditioned on their continued participation and completion of DEEP, after the mandatory suspension period has

lapsed. In this way, the determination for suspending and restoring licenses is retained by the Secretary of State's office, while the Department of Human Services maintains control of the DEEP portion of the participant's sentence. This bill also provides that DEEP participants who request a hearing must pay for the counselor's time and travel costs associated with testifying at the hearing.

Committee Amendment "A" (S-263) amends the bill to require the Secretary of State to issue a special license to a first-time operating-under-the-influence offender after the person has served the full license suspension and after the person has completed the education and assessment components of the driver education evaluation program. The special license is conditioned on the person completing the entire program within 6 months. If the person does not complete the program within 6 months, the Secretary of State may suspend the special license until the Division of Driver Education Evaluation provides written notification that the person has completed the program. The amendment requires that the Division of Driver Education Evaluation provide clear written and oral explanations to clients about their rights and responsibilities, including the availability of the special license for first-time offenders. The amendment makes clear that the special license is available only to people who commit their first operating-under-the-influence offense after the effective date of bill. The amendment adds an emergency preamble and an emergency clause to the bill.

House Amendment "A" to Committee Amendment "A" (H-634) deletes the provision of the bill allowing DHS to consider payment of counseling fees in determining whether a DEEP client has completed treatment.

**LD 1648      Resolve, to Study the Structure of Law Enforcement in the State      ONTP**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
DUFFY JACQUES RUHLIN	ONTP	

**SUMMARY**

The resolve would have established the Commission to Study the Structure of Law Enforcement in the State.

**LD 1654      An Act to Facilitate Criminal Enforcement of the Environmental Laws      CARRIED OVER**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
TREAT JACQUES GAUVREAU MARSH		

**SUMMARY**

The bill would clarify the existing criminal provisions of the environmental laws to facilitate the enforcement of those provisions by the State.

The bill would consolidate all the criminal provisions currently existing in the Maine Revised Statutes, Title 38, including those provisions relating to hazardous waste. It would provide culpable mental states for criminal violations under the environmental laws. The bill would raise the class of crime for violations of environmental laws other than hazardous waste from a Class E crime to a Class C crime, but would retain a general Class D violation section for conduct that violates unspecified terms and conditions of the law and licenses, permits, approvals or decisions issued by the department. The bill would simplify the hazardous waste statutes by using terms that are already defined in Title 38, rather