

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.

LD 2251 An Act to Clarify the Enrollment Period for the 5-year Medical Liability Demonstration Project and to Clarify Provisions of the Rural Medical Access Program

**PUBLIC 734
EMERGENCY**

SPONSOR(S)
GAUVREAU
PARADIS P
HASTINGS

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-602

SUMMARY

The bill clarifies the enrollment period for the 5-year Medical Liability Demonstration Project established by Public Law 1989, c. 931. The bill permits open enrollment throughout the 5-year period of the project but does not permit physicians to rejoin after withdrawing. Doctors who originally declined to be in the project would, however, be permitted to join.

Committee Amendment "A" (S-602): The amendment clarifies certain provisions of the Rural Medical Access Program that was established at the same time as the Medical Liability Demonstration Project. This amendment addresses 3 concerns in the current law.

1. The amendment provides that the program payment go directly to the individual or entity that pays the premium. Language is added to ensure that the Department of Human Services can collect the necessary information to make that possible.
2. The terminology is changed from "premium assistance" to "participation in the program" to avoid confusion under federal law that requires certain types of assistance to be offset against expenses, thus reducing the federal money available to certain physicians.
3. The amendment also changes the amount of money in the Rural Medical Access Program fund that is available to provide program payments to participating physicians. During the first year of the program, only 1/2 of the fund could be paid out. This amendment provides that the Bureau of Insurance will determine the amount of the fund used for program payments each year, including the 2nd year of the program, but at least the amount of the assessment collected for that year must be paid out. This leaves a small amount in the fund to help cover shortfalls in years that the assessment is less than the previous year's assessment.
4. The amendment also adds a fiscal note to the bill.

LD 2257 An Act Regarding the Terminally Ill

ONTP

SPONSOR(S)
CAHILL P
COLES

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

The bill amended the living will statute to allow medically assisted deaths in certain limited circumstances.

The bill allowed a person who has been diagnosed with a terminal condition that is likely to lead to death within a relatively short period of time and whose condition has been certified by 2 consulting physicians to request a medically assisted death. Minors and incompetent persons, including persons in a persistent vegetative state, would not be eligible to request this procedure. No individual would be able to request a medically assisted death for another individual.

The bill required that two consulting physicians must independently certify the individual's condition before a medically assisted death may proceed. If both consulting physicians certify that the individual has an incurable and irreversible condition, the individual's attending physician, any other physician and any health care facility would be authorized to assist the individual with a medically assisted death.

LD 2258 An Act Regarding Parental Rights ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
LAWRENCE RICHARDS STEVENS P GAUVREAU	ONTP	

SUMMARY

The bill established that the husband of a woman artificially inseminated with semen from a donor is the legal father of the child conceived.

LD 2259 An Act to Modify the Medical Examiner Act to Limit Liability of Medical Record Providers PUBLIC 723

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P	OTP	

SUMMARY

The bill enacts language that parallels the Maine Revised Statutes, Title 5, section 200-E, subsection 6 to extend immunity from civil and criminal liability to those persons, primarily physicians and hospitals, who provide the medical examiner with the materials needed to perform the functions of that office.

LD 2261 An Act to Consider All Sources of Income When Issuing Small Claims Judgments ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
WHITCOMB LIBBY	ONTP	

SUMMARY

The bill required a judge to consider all sources of income of a defendant in determining a payment schedule when issuing small claims judgment. The bill allowed judges to set installment payments which take into account income received from public benefit programs and income which do not exceed the amount of the minimum wage for a 40-hour week.

**LD 2264 An Act to Enhance the Operations of the District Court Violations Bureau PUBLIC 733
EMERGENCY**

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P	OTP-AM	H-1057

SUMMARY

The bill corrects inconsistencies in the laws that establish the violations bureau. The bill also defines the difference between the commencement of a traffic infraction through the use of a Violation