

MAINE STATE LEGISLATURE

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STATE OF MAINE
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

MAY 1994

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**ONE HUNDRED AND SIXTEENTH LEGISLATURE
SECOND REGULAR SESSION**

**JOINT STANDING COMMITTEE
BILL SUMMARIES**

MAY 1994

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.

The committee report or reports, the prime sponsor for each bill and the lead co-sponsor in each house if one has been designated are listed below each bill title. All adopted amendments are listed, by paper number, 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

P&S XXX

RESOLVE XXX

CON RES XXX

EMERGENCY

ONTP

INDEF PP

FAILED ENACTMENT

FAILED EMERGENCY ENACTMENT

FAILED MANDATE ENACTMENT

DIED BETWEEN BODIES

CONF CMTE UNABLE TO AGREE

VETO SUSTAINED

UNSIGNED

DIED ON ADJOURNMENT

Chapter # of enacted Public Law

Chapter # of enacted Private & Special Law

Chapter # of enacted Resolve

Chapter # of Constitutional Resolution passed by both Houses

Enacted law takes effect sooner than 90 days

Ought Not to Pass report accepted

Bill Indefinitely Postponed

Bill failed to get majority vote

Emergency bill failed to get 2/3 vote

Bill imposing local mandate failed to get 2/3 vote

House & Senate disagree; bill died

Committee of Conference unable to agree; bill died

Legislature failed to override Governor's Veto

Not signed by Governor within 10 days

Action incomplete when session ended; bill died

These summaries were prepared by the analyst or analysts assigned to the committee. If you have any suggestions or comments on the summaries, please let us know.

5581LHS

LD 776 **An Act to Repeal Certain Provisions of the Maine Health Security Act** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MARTIN J	ONTP	

SUMMARY

The bill would have repealed the provisions of the Maine Health Security Act that establish the prelitigation screening and mediation panels, structured awards and limitations on contingent fees.

The bill was carried over from the First Regular Session.

LD 840 **An Act to Protect Maine Businesses and Consumers from Unfair and Deceptive Trade Practices** ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
HARRIMAN GWADOSKY	ONTP	

SUMMARY

This bill would have repealed and replaced the Maine Unfair Trade Practices Act. It would have extended the provisions of the law to business claimants. It was intended to reduce litigation by imposing harsh penalties for violations and strong incentives for settlement of claims. The bill also would establish penalties for persons bringing frivolous claims, defenses, setoffs or counterclaims in the provisions of law relating to civil suits in general.

This bill was carried over from the First Regular Session.

LD 880 **An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions** ONTP

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
BERUBE	ONTP	MAJ	
	OTP	MIN	

SUMMARY

The bill would have set a limit of \$250,000 on noneconomic damages in medical liability actions. Under the bill, a plaintiff would be entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses.

The bill was carried over from the First Regular Session.

LD 903 **An Act to Bring the Department of the Attorney General into Conformity with the Criminal History Record Information Laws** PUBLIC 719

SPONSOR(S)	COMMITTEE REPORT		AMENDMENTS ADOPTED
PARADIS P	OTP-AM	MAJ	H-953
	OTP-AM	MIN	S-645 PEARSON

SUMMARY

This bill repeals sections of Maine law dealing with public access to criminal, investigative or

administrative records of the Bureau of the State Police, the Attorney General and the Maine Drug Enforcement Agency and brings them into conformity with the criminal history record information laws that apply to other criminal justice agencies. This bill was carried over from the First Regular Session.

The majority COMMITTEE AMENDMENT (H-953) removes from the bill provisions relating to agencies other than the Attorney General because those agencies were addressed in a bill that was enacted last year (Public Law 1993, chapter 376). The amendment includes Attorney General's investigative records under the provisions of the Criminal History Record Information Act. It includes records relating to civil violations and civil actions within the definition of "intelligence and investigative information." The amendment also modifies and clarifies situations when records containing intelligence and investigative records may not be disseminated. The amendment provides confidentiality for records the disclosure of which would "constitute an unwarranted invasion of personal privacy." This standard is comparable to the federal Freedom of Information Act. The amendment retains confidential status for records of the Attorney General's Office that contain investigative information relating to trade secrets or other confidential commercial or financial information, the identity of complainants involving consumer or anti-trust violations, information received under the Petroleum Market Share Act and the Hospital Cooperation Act.

The majority Committee Amendment changes the treatment of records of the Attorney General's Office prospectively only. Records created prior to the effective date of this bill would remain subject to the confidentiality provisions of former Title 5, section 200-D, and Attorney General records created after the effective date of this bill are subject to Title 16, section 614. This amendment authorizes the Attorney General to establish a fee for access to and copying of records that will partially offset the cost of maintaining the administrative structure necessary to make those records available.

The minority COMMITTEE AMENDMENT (H-954) contains the same provisions as the majority amendment except that it changes the treatment of existing records of the Attorney General as well as records created after the effective date of the bill. It requires the Attorney General to establish a fee for access to and copying of records that will be substantially equivalent to the cost of maintaining the administrative structure necessary to make those records available.

SENATE AMENDMENT "C" TO COMMITTEE AMENDMENT "A" (S-645) makes the provisions of the bill relating to confidentiality of records effective July 1, 1995 and replaces the provisions of the committee amendment relating to fees. It requires the Attorney General to recommend a funding mechanism, including a fee for services, to the Judiciary Committee of the 117th Legislature. It also replaces the fiscal note.

LD 942 An Act to Amend the Adoption Laws

PUBLIC 686

SPONSOR(S)
CAHILL

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-1014 FARNSWORTH
S-495

SUMMARY

This bill is a revision of the adoption laws. The original bill contains the recommendations of the Adoption Task Force which studied adoption issues for a year and issued its report in 1988.

As amended by COMMITTEE AMENDMENT "A" (S-495) the bill does the following:

1. It clarifies the rights of adoptees to inherit from birth parents.
2. It requires the Probate Court to appoint a guardian ad litem for a child when parental rights are being terminated.