

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
116TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**JULY 1993**

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

**JOINT STANDING COMMITTEE  
BILL SUMMARIES**

**JULY 1993**

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 (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:

*PUBLIC XXX*

*P&S XXX*

*RESOLVE XXX*

*CON RES XXX*

*EMERGENCY*

*CARRIED OVER*

*ONTP*

*ENACTMENT FAILED*

*INDEF PP*

*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*

*Bill carried over to Second Session*

*Ought Not to Pass report accepted*

*Bill failed to get majority vote*

*Bill Indefinitely Postponed*

*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 formed but unable to agree*

*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. But, this document was produced by the efforts of all the office staff, including secretaries: Charlene Raymond and Valarie Parlin.

If you have any suggestions or comments on these summaries, please let us know.

4693NRG

The requirement that the mortgage deed state that the mortgage deed is given primarily for a business, commercial or agricultural purpose also applies to trusts and provides further protection for those residing on mortgaged property.

The amendment also adds a fiscal note to the bill.

See LD 1567 for effective date correction.

**LD 1156      An Act to Create the Maine Criminal Justice Information System**

**PUBLIC 346**

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

OTP-AM

H-488

**SUMMARY**

The bill is the report of the Commission to Implement the Computerization of Criminal History Record Information pursuant to Private and Special Law 1985, chapter 135, as amended. The bill establishes the Maine Criminal Justice Information System, which will provide computerized criminal history record information and other data useful to law enforcement agencies throughout the State. The Maine Criminal Justice Information System will be governed by the Maine Criminal Justice Information System Policy Board consisting of 13 members.

Committee Amendment "A" (H-488) deletes the reference to juvenile records with regard to the development of policies by the Maine Criminal Justice Information System Policy Board because the system will not initially include juvenile records.

**LD 1159      An Act to Increase Accountability of the Department of Environmental Protection**

**ONTP**

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

BENNETT

ONTP

**SUMMARY**

The bill would have allowed the court to require the Department of Environmental Protection to reimburse a party for reasonable attorney's fees if the Attorney General brings that party to court and does not prevail.

**LD 1162      An Act to Help Clarify the Application of the Maine Rules of Criminal Procedure to Probation Revocation Proceedings, Including the Appeal Process**

**PUBLIC 234**

**SPONSOR(S)**

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

COTE

OTP

**SUMMARY**

The bill amends the Maine Revised Statutes, Title 17-A, section 1206 by making it gender-neutral and incorporating the substance of Rule 32(e) of the Maine Rules of Criminal Procedure. The bill also makes Rules 44(a)(2), (b), (c) and (d) and 44B of the Maine Rules of Criminal Procedure applicable to probation revocation hearings.

The bill also amends Title 17-A, section 1207 by ensuring that Part VII of the Maine Rules of Criminal Procedure has application both to the 2-tiered appeal process applicable to an aggrieved person whose probation has been revoked in the District Court and to the unitary appeal process applicable to an aggrieved person whose probation has been revoked in the Superior Court.

**LD 1164      An Act to Clarify Relevant Information in Administrative Rule-making Procedures      ONTP**

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

**SUMMARY**

The bill would have required the Attorney General to review rules and respond to the issuing agency concerning the potential of proposed rules or regulations and the taking of private property.

**LD 1186      An Act to Modify Joint and Several Liability in Medical Malpractice Actions      CARRIED OVER**

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

**SUMMARY**

The bill modifies the principle of joint liability in medical negligence cases. Under this bill, multiple defendants in these cases remain jointly liable for all damages awarded for economic loss and remain jointly liable for noneconomic loss unless a defendant is found to be less than 25% at fault as compared with other defendants. For that defendant, liability is several only with regard to noneconomic damages. Thus, that defendant is only responsible for the defendant's portion of the noneconomic damages, but remains jointly liable for all economic damages.

**LD 1194      RESOLUTION, Proposing an Amendment to the Constitution of Maine Repealing the Requirement of Grand Jury Review for Noncapital Crimes      CARRIED OVER**

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

**SUMMARY**

The constitutional resolution is a recommendation of the Commission to Study the Future of Maine's Courts and authorizes district attorneys and the Attorney General to prosecute criminal cases without the necessity of scheduling grand jury hearings when a judge has made a prior finding of probable cause.