

# 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:

<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>ENACTMENT FAILED</i>	<i>Bill failed to get majority vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference formed but unable to agree</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</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.

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

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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> CARPENTER	<b>COMMITTEE REPORT</b> ONTP	<b>AMENDMENTS ADOPTED</b>
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**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> BERUBE	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
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**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>
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**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.