

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**STATE OF MAINE  
116TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**JULY 1993**

**Staff:**  
*Margaret J. Reinsch, Legislative Analyst  
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

**MEMBERS:**

*\*Sen. Gerard P. Conley, Jr.  
Sen. Georgette B. Berube  
Sen. Dana C. Hanley*

*\*Rep. Constance D. Cote  
Rep. Susan Farnsworth  
Rep. Mary R. Cathcart  
Rep. Andrew Ketterer  
Rep. Edward L. Caron, Jr.  
Rep. Sean F. Faircloth  
Rep. Jane W. Saxl  
Rep. David N. Ott  
Rep. Sumner H. Lipman  
Rep. Debra D. Plowman*

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
MARION HYLAN BARR  
JON CLARK  
LISA COPENHAVER  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JILL IPPOLITI



JOHN B. KNOX  
ROY W. LENARDSON  
PATRICK NORTON  
JANE ORBETON  
MARGARET J. REINSCH  
PAUL J. SAUCIER

JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**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

**SPONSOR(S)****COMMITTEE REPORT****AMENDMENTS ADOPTED****SUMMARY**

The bill contains all but 2 of the legislative recommendations of the Commission to Study the Future of Maine's Courts, established by Public Law 1989, chapter 891, Part B. Separate pieces of legislation contain the recommendations amending the Constitution (LD 1194) and establishing a temporary commission to assist in the implementation of the recommendations (LD 1553).

Part A addresses access issues and requires language interpreters to be appointed when a personal or property interest is at stake.

Part B addresses the issue of alternative dispute resolution. It adds negotiated rulemaking and alternative means of dispute resolution to the Maine Administrative Procedure Act. It also establishes the Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector. The Advisory Committee will provide short-term assistance to state, municipal and other governmental entities in developing plans and policies for dispute resolution. General Fund money is not authorized to fund the committee.

Part C addresses issues identified by the commission as involved with trial and case management. A new section is adopted that specifically requires prosecutors to inform victims about the progress of the case. Prosecutors also are required to inform the court about the victim's involvement in the case.

Also included in Part C is the requirement that, if the Constitution is amended to delete the grand jury requirement in noncapital cases, the Attorney General must monitor the effects of that repeal and report back to the Joint Standing Committee on Judiciary.

Part D of the bill addresses issues concerning court structure. It abolishes the resident judge system of the District Court, provides for the equalization of District Court and Superior Court salaries by 1998 and retitles Superior Court justices as judges, so that all trial judges have the same title. It also expands the Family Court project. The Administrative Court is abolished and the appellate functions are taken over by the Superior Court, while the District Court will handle all other cases. An administrative docket will be established in the District Court to maintain the efficiency and effectiveness of the current Administrative Court within the District Court. The current Administrative Court Judge is transferred to the Superior Court and the Associate Administrative Court Judge is transferred to the District Court.

Part D specifically authorizes the Supreme Judicial Court to establish an Appellate Division within the Superior Court. It also increases the jurisdictional limit in Small Claims Court to \$3,000.

Part E of the bill revises the Probate Court system. By 1997, there will be four full-time, regional Probate Court Judges appointed by the Governor and confirmed by the Senate. Registers of probate will remain elected county officials in each county.

Part F of the bill addresses court administration issues and ensures appropriate treatment of the Judicial Department as a separate branch of government on equal footing with the Legislature and the Executive Branch. Specifically, the bill increases the qualifications of the State Court Administrator and requires more management and planning activities on the administrator's part. It also addresses the preparation and presentation of the Judicial Department budget. Judicial impact statements are required for appropriate pieces of legislation and executive orders. In addition, Part F establishes an

interbranch forum as a method of ensuring communication and coordination among the 3 branches of government.

Part G establishes two legislative studies to be undertaken by the Joint Standing Committee on Judiciary. One explores the use of nonlawyers in providing assistance to people in court. The other looks at screening of indigent parties and representation of those parties determined to be indigent.

The full recommendations of the Commission to Study the Future of Maine's Courts are contained in the commission's final report New Dimensions of Justice, February 28, 1993.

See LD 1553.

**LD 1369      An Act to Abolish Secrecy in the Courts on Matters of  
Public Health or Safety**

CARRIED OVER

**SPONSOR(S)**  
CONLEY

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill prohibits courts from ordering the restraint of information relating to the public health or safety used or obtained in a lawsuit based on a claim of product liability.

**LD 1371      An Act to Implement the Recommendations of the Special  
Commission on Governmental Restructuring Pertaining to the  
Judicial Branch**

CARRIED OVER

**SPONSOR(S)**  
CONLEY  
LIPMAN

**COMMITTEE REPORT**

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill implements the recommendations of the Special Commission on Governmental Restructuring that affect the Judicial Department. It was submitted by the Judicial Department.

The bill places all administrative personnel in the Judicial Department under the supervision of the State Court Administrator and requires the State Court Administrator to make recommendations to the Chief Justice of the Supreme Judicial Court for the improvement of the administration and management of the court system. The State Court Administrator is also required to develop and recommend to the Chief Justice a long-range plan for the Judicial Department and the operation of the courts.

The bill also requires the Governor, when preparing budget bills for submission to the Legislature, to include the full budget requests made by the Judicial Department as well as the Governor's budget recommendations for the Judicial Department.

The bill repeals the Maine Revised Statutes, Title 4, section 26, which requires the Judicial Department to use executive branch central office services, such as expenditure controls, to permit the Judicial Department to maintain control over its own expenditures.