

# 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 1276      An Act to Improve the Operation of Prelitigation Screening Panels      ONTP**

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

**SUMMARY**

The bill would have dedicated the filing fees paid in medical malpractice cases to the Judicial Department to pay for the processing of the cases through the prelitigation screening panels and the court system.

The bill was carried over from the First Regular Session.

**LD 1289      An Act to Prevent Diversion of Solid Waste      ONTP**

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

**SUMMARY**

The bill would have prohibited trash haulers in a particular region from going to unauthorized disposal facilities in order to profit by lower tipping fees by creating the crime of "solid waste diversion."

The bill was carried over from the First Regular Session.

**LD 1300      An Act Regarding Disorderly Conduct      DIED BETWEEN BODIES**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
MARTIN J	ONTP      MAJ OTP-AM      MIN	

**SUMMARY**

This bill would have provided that noise from agricultural machinery can be "loud and unreasonable noise" under the disorderly conduct law, notwithstanding the law authorizing "best management practices."

The minority COMMITTEE AMENDMENT (H-955) adds a fiscal note.

**LD 1354      An Act to Implement the Recommendations of the Commission to Study the Future of Maine's Courts      PUBLIC 675**

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
	OTP-AM      MAJ OTP-AM      MIN	H-1000 H-1015      KERR

**SUMMARY**

The bill contained all but two 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 1373). The bill contained recommendations concerning language interpreters, the use of alternative dispute resolution and negotiated rulemaking, informing and involving victims of crimes, reporting on the use of grand juries if LD 1194 passed, court structure and administration, reconstruction of the Probate Courts and studies on the use of nonlawyers and indigency screening and representation.

The bill was carried over from the First Regular Session. Several pieces were enacted during the First Regular Session as LD 1553, PL 1993, chapter 401.

COMMITTEE AMENDMENT "A" (H-1000) was the Majority Report. The amendment replaces the bill. The amendment does not contain provisions concerning alternative dispute resolution and negotiated rulemaking, changing the Probate Court structure or the proposed studies. The amendment does require the provision of language interpreters, the preparation and distribution of information for victims of crimes and, whenever practicable, the involvement of crime victims in the prosecution process. The amendment transfers the administrative jurisdiction and duties of the Administrative Court to the District and Superior Courts, and abolishes the Administrative Court effective January 1, 1995. The amendment also eliminates the dichotomy of resident judges and judges-at-large within the District Court. The amendment revises how civil matters may be appealed. It makes technical changes to the Family Court Project language. The amendment charges the Supreme Judicial Court to develop plans to equalize salaries and titles of District Court Judges and Superior Court Justices by January 1995. The amendment adopts some of the administrative and financial changes recommended by the Special Commission on Governmental Restructuring. These changes include revising the responsibilities of the State Court Administrator, consolidating administrative supervision and providing for long-range planning. Executive orders must include Judicial Department fiscal impact statements if prepared by the Judicial Department; the fiscal impact statements must be considered in preparing legislative fiscal notes. The amendment requires that if the Governor submits a budget that does not contain the Judicial Department's budget as submitted by the Judicial Department, the Governor must provide a report to the Joint Standing Committee on Judiciary and the Joint Standing Committee on Appropriations and Financial Affairs explaining why the budget legislation differs from the Judicial Department's submission. A new Part to Title 5 is added to provide a forum for the three branches of government to communicate on a regular basis. This amendment adds a fiscal note to the bill and also conforms existing law to current drafting standards.

The amendment also makes necessary corrections to references to the Administrative Court.

COMMITTEE AMENDMENT "B" (H-1001) was the Minority Report. It is identical to Committee Amendment "A" except that the Administrative Court is not merged into the Superior and District Courts.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-1015) removes from the Committee Amendment all provisions merging the Administrative Court into the Superior and District Courts.

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

ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>		<b>AMENDMENTS ADOPTED</b>
CONLEY	OTP	MAJ	
	ONTP	MIN	

**SUMMARY**

The bill would have prohibited 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.

The bill was carried over from the First Regular Session.