

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

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

SPONSOR(S)

CONLEY

COMMITTEE REPORT

OTP

MAJ

ONTP

MIN

AMENDMENTS ADOPTED

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.