

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

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CONLEY LIPMAN	ONTP	

SUMMARY

The bill would have implemented the recommendations of the Special Commission on Governmental Restructuring that affect the Judicial Department.

The bill would have placed all administrative personnel in the Judicial Department under the supervision of the State Court Administrator and would have required 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 would have been 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 would have required 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 would have repealed 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.

The bill was carried over from the First Regular Session. See LD 1354.

LD 1407 Resolve, Establishing a Study Concerning Parental Rights and Responsibilities in Cases of Domestic Abuse RESOLVE 61

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CATHCART	OTP-AM	H-940

SUMMARY

The bill created the Post-separation Family Violence Relief Act. It specified procedures and presumptions regarding child custody when violence is present in the family.

COMMITTEE AMENDMENT "A" (H-940) replaces the bill. It creates a study group of members of interested organizations to examine the issues involved in parental rights and responsibilities when domestic abuse is involved. The study group will ask for participation from state agencies and may ask others to participate as well. The study group will report to the Judiciary Committee by January 15, 1995. The study group will receive no General Fund money.

The bill was carried over from the First Regular Session.

LD 1413 An Act to Create a Noneconomic Damages Award Act ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CIANCHETTE	ONTP MAJ OTP MIN	

SUMMARY

The bill would have limited the amount of money that can be awarded to a plaintiff for noneconomic damages in any civil case to \$250,000.

The bill was carried over from the First Regular Session.

LD 1414 An Act to Modify the Legal Doctrine of Joint and Several Liability ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CIANCHETTE	ONTP MAJ	
	OTP MIN	

SUMMARY

The bill would have modified the legal doctrine of joint and several liability. It would have required that in actions involving multiple defendants, each defendant is jointly and severally liable for the full amount of the plaintiff's economic and noneconomic damages. Defendants would be able to request a determination of each defendant's percentage of fault. The bill also would have established a formula for determining the amount of damages recoverable from each defendant.

The bill was carried over from the First Regular Session.

LD 1420 An Act Concerning the Terminally Ill ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
CAHILL	ONTP	

SUMMARY

This bill would have amended the living will laws to allow medically assisted deaths in certain limited circumstances.

The bill would allow a person who has been diagnosed with a terminal condition that is likely to lead to death within a relatively short period of time and whose condition has been certified by an attending physician and two consulting physicians to request a medically assisted death. Minors and incompetent persons, including persons in a persistent vegetative state, are not eligible to request this procedure. An individual may not request a medically assisted death for another individual.

Two consulting physicians must independently certify the individual's condition before a medically assisted death may proceed. If both consulting physicians certify that the individual has an incurable and irreversible condition, the individual's attending physician, any other physician and any health care facility are authorized to assist the individual with a medically assisted death.

This bill was carried over from the First Regular Session. It contains a statutory referendum provision.

LD 1436 An Act to Eliminate the Statute of Limitation in Child Molestation Cases ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
PARADIS P FOSTER	ONTP	