

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&S XXX</i>	<i>Chapter # of enacted Private & 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 & 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.

4693NRG

issuance of protection orders between members of either tribe or nation both of whom reside on the Indian reservation of the respective tribe or nation. The bill creates parity of applicable punishments for the violation of a protection order regardless of whether the order was issued by a state or tribal court.

Committee Amendment "A" (H-442) adds a fiscal note.

LD 1407 An Act Concerning Primary Care and Parental Rights and Responsibilities in Cases of Domestic Abuse CARRIED OVER

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

SUMMARY

The bill creates the Post-separation Family Violence Relief Act.

LD 1413 An Act to Create a Noneconomic Damages Award Act CARRIED OVER

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

SUMMARY

The bill provides that a plaintiff may be compensated for noneconomic damages up to \$250,000.

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

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

SUMMARY

The bill modifies the legal doctrine of joint and several liability. It provides 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 may request a determination of each defendant's percentage of fault. The bill also establishes a formula for determining the amount of damages recoverable from each defendant.

LD 1420 An Act Concerning the Terminally Ill CARRIED OVER

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

SUMMARY

The bill amends the living will laws to allow medically assisted deaths in certain limited circumstances.

The bill allows 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 2 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.

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

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

SUMMARY

The bill eliminates the statute of limitations for civil prosecution of the crime of rape or gross sexual assault and incest if the victim of the crime was not at least 16 years of age at the time the crime was committed.

LD 1443 Resolve, to Create a Pretrial Intervention Pilot Program for Sex Offenders ONTP

SPONSOR(S) **COMMITTEE REPORT** **AMENDMENTS ADOPTED**
LIPMAN ONTP

SUMMARY

The bill would have set up the Pretrial Intervention Project Commission to develop and oversee a pilot project to provide intervention and diversion for first-time offenders who allegedly commit sex offenses against minors. The project would have provided alternatives to prosecution for certain first-time offenders. An interim report on the project would have been submitted by January 1, 1995 and a final report one year later.

LD 1463 An Act to Permit Collection of Public Assistance Overpayments by Administrative Process CARRIED OVER

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

SUMMARY

The purpose of the bill is to establish an administrative method for the collection of overpayments made by benefit programs administered by the Department of Human Services after the individuals who have been overpaid stop receiving benefits. The bill would permit the Department of Human Services to collect overpayments by issuing income withholding orders to employers, executing wage assignments, filing liens against the obligor's property and reporting unpaid amounts to consumer credit reporting agencies. Necessary due process requirements for prior notice, opportunity for hearing and right to judicial review are included in the bill.