

# 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 executive director of the commission reported to the Judiciary Committee that the commission would adopt rules to provide for this situation.

**LD 1700**      **An Act to Maintain Confidentiality of Certain Information  
Received by Licensing Boards and Commissions**

PUBLIC 552

**SPONSOR(S)**  
LUDWIG

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-424

**SUMMARY**

The bill provided that certain records that contain personally identifying information remain confidential during the pendency and upon conclusion of an investigation by the State Board of Substance Abuse Counselors or the Board of Counseling Professionals Licensure. The bill allows disclosure only upon execution of a written release that identifies who will be the recipient of the information.

COMMITTEE AMENDMENT "A" (S-424) revises the title of the bill to indicate that the provisions apply to all licensing boards and commissions within or affiliated with the Department of Professional and Financial Regulation. This amendment replaces the bill to cover all the licensing boards and commissions when there is an investigation of a licensee in a medical, mental health, substance abuse, psychological or other health field. It also references additional situations in which the records, otherwise confidential, may be released to someone other than the licensing boards listed. The amendment specifically states that the new language is not intended to prohibit disclosure under a proper court order. The amendment provides that violation of a condition of the client's or patient's release is a civil violation.

**LD 1707**      **An Act to Provide Better Information Concerning Tort Reform**

ONTP

**SPONSOR(S)**  
CONLEY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have charged the Bureau of Insurance with the task of compiling updated information on malpractice and writing a report that would estimate the actual savings of tort reform in the State as a percentage of total health spending.

**LD 1709**      **An Act to Clarify the Assignment of Hotel Revenues as  
Rent under Maine Law**

ONTP

**SPONSOR(S)**  
CONLEY

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have clarified, for purposes of bankruptcy, the effect of assignment of rents, issues or profits under Maine law. This bill was intended to change the law as interpreted in two recent bankruptcy court decisions that held that, under Maine law, hotel revenues do not constitute rent or products or proceeds of the real estate comprising the hotel and that, therefore, the assignment did not provide the assignee with a security interest in the receipts. In re Majestic Hotel Assoc., 131 B.R. 523 (Bankr. D. Me. 1991); In re The Green Corporation, 154 B.R. 819 (Bankr. D. Me. 1993).