

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
116TH LEGISLATURE

SECOND REGULAR SESSION

BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY

MAY 1994

**Staff:**

*Margaret J. Reinsch, Legislative Analyst  
Julie S. Jones, Principal Analyst*

*Office of Policy and Legal Analysis  
Room 101, State House Station 13  
Augusta, ME 04333  
(207)287-1670*

**MEMBERS:**

*\*Sen. Gerard P. Conley, Jr.  
Sen. Georgette B. Berube  
Sen. Dana C. Hanley*

*\*Rep. Constance D. Cote  
Rep. Susan Farnsworth  
Rep. Mary R. Cathcart  
Rep. Andrew Ketterer  
Rep. Edward L. Caron, Jr.  
Rep. Sean F. Faircloth  
Rep. Jane W. Saxl  
Rep. David N. Ott  
Rep. Sumner H. Lipman  
Rep. Debra D. Plowman*

*\*Denotes Chair*

MARTHA E. FREEMAN, DIRECTOR  
WILLIAM T. GLIDDEN, JR., PRINCIPAL ANALYST  
JULIE S. JONES, PRINCIPAL ANALYST  
DAVID C. ELLIOTT, PRINCIPAL ANALYST  
MARION HYLAN BARR  
JON CLARK  
LISA COPENHAVER  
DEBORAH C. FRIEDMAN  
MICHAEL D. HIGGINS  
JILL IPPOLITI



JOHN B. KNOX  
ROY W. LENARDSON  
PATRICK NORTON  
JANE ORBETON  
MARGARET J. REINSCH  
PAUL J. SAUCIER  
JOHN G. KELLEY, RESEARCHER  
DARLENE A. SHORES LYNCH, RESEARCHER  
CARRIE C. McFADDEN, RESEARCHER

STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
ROOM 101/107/135  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
TEL: (207) 287-1670  
FAX (207) 287-1275

**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 1860**      **An Act to Amend the Law Pertaining to the Appointment of a  
Guardian Ad Litem in Contested Proceedings**

PUBLIC 629  
EMERGENCY

**SPONSOR(S)**  
CONLEY

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-498

**SUMMARY**

The bill clarifies the court's discretionary authority to appoint a guardian ad litem. It provides guidelines to assist judges in deciding when to appoint a guardian. The bill requires the judge to specify the duties of the guardian, allows the admission into evidence of a guardian's report with certain conditions, provides immunity for court-appointed guardians and makes clear that the parties shall bear the expense if a guardian is appointed.

COMMITTEE AMENDMENT "A" (S-498) adds a fiscal note to the bill.

**LD 1862**      **An Act to Prohibit Excessive or Unnecessary Prescription  
of Drugs or Treatment by Health Care Professionals**

ONTP

**SPONSOR(S)**  
MICHAEL  
COFFMAN

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

The bill would have made it a Class E crime for a health care professional to excessively prescribe drugs, treatment or diagnostic procedures.

**LD 1878**      **An Act to Improve Methods of Dispute Resolution of the  
Maine Human Rights Commission**

PUBLIC 578

**SPONSOR(S)**  
CLEVELAND

**COMMITTEE REPORT**  
OTP-AM

**AMENDMENTS ADOPTED**  
S-497

**SUMMARY**

This bill directs the Maine Human Rights Commission to provide for third-party neutral mediation as an alternative to the current methods of dispute resolution. The bill also directs the commission to set guidelines for the mediation process that would be in effect by January 1, 1995.

COMMITTEE AMENDMENT "A" (S-497) removes the requirement that the commission establish third-party mediation but authorizes the commission to adopt rules for a third-party mediation program that would permit either party to voluntarily agree to pay the costs and that would permit the commission to accept any funds the commission is able to obtain for this purpose. The Committee Amendment also adds a fiscal note.

**LD 1934**      **An Act to Limit the Use of Force against Law Enforcement  
Officers Engaged in Searches or Seizures**

ONTP

**SPONSOR(S)**  
PLOWMAN

**COMMITTEE REPORT**  
ONTP

**AMENDMENTS ADOPTED**

**SUMMARY**

This bill would have provided that a person is not justified in using deadly force against a law enforcement officer engaged in a search or a seizure under certain circumstances even if the search or seizure turns out to be illegal.