

# MAINE STATE LEGISLATURE

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**STATE OF MAINE  
117TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**AUGUST 1995**

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Sen. Joan M. Pendexter  
Sen. Sean F. Faircloth*

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**ONE HUNDRED AND SEVENTEENTH LEGISLATURE  
FIRST REGULAR SESSION**

**SUMMARY OF LEGISLATION BEFORE  
THE JOINT STANDING COMMITTEES**

**AUGUST 1995**

This document is a compilation of the bill summaries prepared by this office for the Joint Standing 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 publication, History and Final Disposition of Legislative Documents, is helpful in determining to which committee any particular bill was referred.

In this document, 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 categories of final action are abbreviated as follows:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Session</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House &amp; Senate disagree; bill died</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed</i>
<i>ONTP</i>	<i>Ought Not to Pass report accepted</i>
<i>P&amp;S XXX</i>	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of enacted Resolve</i>
<i>UNSIGNED</i>	<i>Not signed by Governor within 10 days</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

These summaries were prepared by the analyst or analysts assigned to the committee. If more detailed information is needed on a bill, contact the committee analyst.

5581LHS

**LD 44**      **An Act to Ensure That a Party Ordered to Obtain Health Insurance for a Former Spouse or Child Is Liable for Payment of Medical Expenses When No Health Insurance Is Obtained**      ONTP

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

**SUMMARY**

This bill would have required that a person who has been ordered by the court to obtain health insurance coverage for a former spouse or child is liable for the payment for those medical services that would have been covered had the insurance been obtained.

**LD 50**      **An Act to Repeal the Sunset on the Grandparents Visitation Act**      PUBLIC 14

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
FAIRCLOTH      OTP  
PLOWMAN

**SUMMARY**

This bill removes the language automatically repealing the additional categories of situations allowing persons to petition for rights under the Grandparents Visitation Act enacted in 1994. These situations are when both parents are still alive. A grandparent may petition the court for reasonable rights of visitation and access if there is a sufficient existing relationship between the grandparent and the child, or, when no such relationship exists, the grandparent can show that the grandparent has made sufficient effort to establish one. This bill repeals the October 1, 1995 "sunset" on these two categories of cases.

**LD 82**      **An Act to Increase the Limit on the Extradition Account**      PUBLIC 447

**SPONSOR(S)**      **COMMITTEE REPORT**      **AMENDMENTS ADOPTED**  
HATHAWAY      OTP-AM      S-33

**SUMMARY**

This bill increases the amount of money that district attorneys may spend in order to extradite persons who are fugitives from justice.

COMMITTEE AMENDMENT "A" (S-33) requires the district attorney to review the amount in the Extradition Account every month to determine if there are excess funds in the account that must be transferred to the General Fund. This amendment also adds a fiscal note to the bill.

**LD 116**      **An Act to Clarify that the Jurisdiction of Tribal Courts Is Consistent with Federal Laws**      ONTP

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

**SUMMARY**

This bill would have amended the Act to Implement the Maine Indian Claims Settlement defining the jurisdiction of the Penobscot Nation and the Passamaquoddy Tribe over certain crimes committed on their respective reservations to expand the jurisdiction of the Penobscot Nation Tribal Court to cover crimes committed by a member of any federally-recognized Indian tribe. See LD 1333.

**LD 161**      **An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions**      ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
HALL	ONTP	

**SUMMARY**

This bill would have set a limit of \$350,000 on noneconomic damages in medical liability actions. A plaintiff would still be entitled to the full economic loss, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and any other verifiable monetary losses. See LD 423.

**LD 170**      **An Act to Require the State and Political Subdivisions to Pay Property Owners when Regulations Lower the Value of Property by More Than 50%**      ONTP

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
HANLEY	ONTP	

**SUMMARY**

This bill would have required the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%. See LD 1217.

**LD 181**      **An Act to Allow Municipalities to Dispose of Abandoned Bicycles**      PUBLIC 31

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
DONNELLY	OTP-AM	H-56

**SUMMARY**

This bill exempts bicycles from most of the provisions of the Unclaimed Property Act and enables local municipalities to dispose of bicycles as they wish and keep any proceeds.

COMMITTEE AMENDMENT "A" (H-56) corrects a cross-reference and adds a fiscal note to the bill.

**LD 230**      **An Act Adopting the Uniform Health-care Decisions Act**      PUBLIC 378

<b>SPONSOR(S)</b>	<b>COMMITTEE REPORT</b>	<b>AMENDMENTS ADOPTED</b>
CARLETON	OTP-AM	H-605

**SUMMARY**

This bill replaces the Uniform Rights of the Terminally Ill Act with the Uniform Health-care Decisions Act. The Act is drafted around six main concepts. First, the Act acknowledges the right of a competent individual to decide all aspects of his or her own health care in all circumstances, including the right to decline health care or to direct that health care be discontinued, even if death ensues. Second, the