

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

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

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

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

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

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

Act authorizes health-care decisions to be made by an agent who is designated to decide when an individual cannot or does not wish to; by a designated surrogate, family member or close friend when an individual is unable to act and no guardian or agent has been appointed or is reasonably available; or by a court having jurisdiction as decision maker of last resort. Third, the Act is designed to simplify and facilitate the making of advance health-care directives. Fourth, the Act seeks to ensure to the extent possible that decisions about an individual's health care will be governed by the individual's own desires concerning the issues to be resolved. Fifth, the Act addresses compliance by health-care providers and institutions. Sixth, the Act provides a procedure for the resolution of disputes.

COMMITTEE AMENDMENT "A" (H-605) clarifies portions of the Uniform Health-care Decisions Act, modifies certain provisions to be consistent with current Maine law, broadens the safeguards of the Act by increasing the categories of persons who may seek judicial relief, eliminates inconsistencies with respect to the powers and duties of guardians and grants physicians greater discretion to question the validity of the decisions made by surrogates and to seek the assistance of a court when they deem appropriate. It also limits the decision-making authority of a surrogate under this Act to the life-sustaining treatment decisions included in the Uniform Rights of the Terminally Act (living wills).

LD 237 An Act to Provide Statutory Procedures for Grievances ONTP
against Attorneys

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
SMALL	ONTP	

SUMMARY

This bill would have established the Attorney Grievance Board under the jurisdiction of the Department of the Attorney General. The Supreme Judicial Court has adopted a rule change addressing the appointment of nonattorneys by the Governor to the Board of Bar Overseers.

LD 264 An Act to Ensure Proper Responsibility for Child Support ONTP

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

SUMMARY

This bill would have repealed one of the criteria allowing a deviation from the child support table used in determining the appropriate amount of child support for which a parent is responsible. The criterion that would have been deleted is the amount of resources available to the responsible parent from a domestic associate or current spouse of that responsible parent.

LD 276 An Act to Adopt the English Rule with Exceptions and ONTP
Limitations

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
RICHARDSON	ONTP	

SUMMARY

This bill would have made a modified version of the "English rule," that is, that the losing party in civil litigation should pay the attorney's fees of the winning party, applicable to many forms of civil litigation in Maine.