

# 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  
117TH LEGISLATURE**

**FIRST REGULAR SESSION**

**BILL SUMMARIES  
JOINT STANDING COMMITTEE  
ON  
JUDICIARY**

**AUGUST 1995**

**MEMBERS:**

*\*Sen. S. Peter Mills  
Sen. Joan M. Pendexter  
Sen. Sean F. Faircloth*

*\*Rep. Sharon Treat  
Rep. William Lemke  
Rep. Fred L. Richardson  
Rep. Kyle W. Jones  
Rep. Lloyd P. LaFountain III  
Rep. Elizabeth Watson  
Rep. Debra D. Plowman  
Rep. Robert R. Hartnett  
Rep. David R. Madore  
Rep. Richard A. Nass  
Rep. Frederick Moore III*

**Staff:**

*Margaret J. Reinsch, Legislative Analyst*

*Office of Policy and Legal Analysis  
Room 101/107/135, 13 State House Station  
Augusta, ME 04333  
(207)287-1670*

*\*Denotes Chair*



**Maine State Legislature  
OFFICE OF POLICY AND LEGAL ANALYSIS**

State House Station 13, Augusta, Maine 04333  
Telephone (207) 287-1670  
Telecopier (207) 287-1275

**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

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  
against Attorneys**      ONTP

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

**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

<b>SPONSOR(S)</b> LANE	<b>COMMITTEE REPORT</b> ONTP      MAJ OTP      MIN	<b>AMENDMENTS ADOPTED</b>
---------------------------	--	---------------------------

**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  
Limitations**      ONTP

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

**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.