

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

AUGUST 1995

MEMBERS:

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

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Rep. Frederick Moore III*

Staff:

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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

SPONSOR(S)
ABROMSON**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
S-29**SUMMARY**

This bill provides that an execution issued on a judgment of the Superior Court or District Court is returnable within 3 years after issuance.

COMMITTEE AMENDMENT "A" (S-29) adds a fiscal note to the bill.

LD 310**An Act to Limit Protected Classes Under Maine Law**

ONTP

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

This initiated bill would have provided that protected classes under Maine law are limited to race, color, sex, physical or mental disability, religion, age, ancestry, national origin, familial status and marital status. The measure will be on the ballot in the November, 1995 election.

LD 311**An Act to Clarify Professional Liability**

PUBLIC 141

SPONSOR(S)
SIMONEAU**COMMITTEE REPORT**
OTP-AM MAJ
ONTP MIN**AMENDMENTS ADOPTED**
H-172**SUMMARY**

Under current law, the liability of shareholders for the debts of and claims against professional corporations arising out of the rendering of professional service extends to those shareholders participating in a professional capacity in such rendering. This bill changes the law governing liability in such situations to extend liability to those shareholders who personally and directly participate, supervise or control another person who directly or personally participates in rendering the service that is negligently performed or is in breach of a legal duty.

COMMITTEE AMENDMENT "A" (H-172) replaces the bill, and rewrites the liability section of the Professional Service Corporation Act to clearly state the effect the Act has on the relationship between the provider and the recipient of professional service, the liability for the debts of and claims against the professional service corporation and the liability of shareholders when there is a claim that professional service was rendered negligently or in breach of any other legal duty.

LD 320**An Act to Clarify Immunity from Civil Suit for Volunteer Activities**

PUBLIC 239

SPONSOR(S)
ABROMSON**COMMITTEE REPORT**
OTP-AM**AMENDMENTS ADOPTED**
EMERGENCY
S-178