

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. 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

SUMMARY

This bill clarifies that medical professionals who volunteer services for county or municipal agencies are entitled to the same protection from civil liability as those who volunteer for a nonprofit corporation or a state agency. The bill makes it clear that medical professionals who volunteer services to a city clinic are accorded the same status as medical professionals who volunteer services to a state clinic.

COMMITTEE AMENDMENT "A" (S-178) provides that the limited immunity that is currently provided to physicians, podiatrists and dentists who volunteer their services at an agency of the State or a nonprofit organization is extended to all licensed health care practitioners. The amendment also provides the same immunity to health care professionals who provide volunteer services to an agency of any county or municipality. The amendment adds an emergency preamble, an emergency clause and a fiscal note to the bill.

LD 328

**An Act to Provide Immunity from Civil Liability Regarding
Emergency Care**

ONTP

SPONSOR(S)
HATHAWAY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have provided immunity from civil liability for physicians, health care providers and private citizens who in good faith provide emergency care at the scene of an accident or en route to a hospital. It would have repealed scattered statutory provisions providing different levels of immunity for specific groups of people and enacted one comprehensive provision. The bill would have provided that any physician who assists in emergency procedures, any citizen who acts in good faith or any emergency medical services person who provides emergency care without any direct compensation is exempt from liability except in cases involving gross negligence.

LD 330

An Act to Allow Liens on Claims Not Sounding in Tort

INDEF PP

SPONSOR(S)
ABROMSON

COMMITTEE REPORT
OTP

AMENDMENTS ADOPTED

SUMMARY

This bill attempted to resolve an ambiguity created by the Law Court's decision in New England Mortgage Services Company, Inc. v. Petit, 590 A.2d 1054 (1991), by specifying that a chose in action, except those arising out of tort, may be the subject of a turnover order in postjudgment disclosure proceedings. The bill was recalled from the Governor's desk and indefinitely postponed.

LD 346

**An Act to Change the Maine Rule of Evidence That
Currently Allows the Admission of Subsequent Remedial
Measures as Evidence of Negligence**

CARRIED OVER

SPONSOR(S)
RICHARDSON

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill proposes to reverse current practice in the State and makes the Maine rule compatible with the federal rule by prohibiting the introduction of evidence in court when the evidence is related to steps