

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JUNE 1996

MEMBERS:

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Sen. Joan M. Pendexter

Sen. Sean F. Faircloth

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Staff:

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**ONE HUNDRED SEVENTEENTH LEGISLATURE
SECOND REGULAR SESSION**

***Summary Of Legislation Before The Joint Standing Committees
June 1996***

We are pleased to provide this summary of bills that were considered by the 15 Joint Standing Committees of the Maine Legislature staffed by this office. The document is a compilation of bill summaries which describe each bill, committee amendments and other relevant amendments, as well as the final action taken on the bill. Also included are statistical summaries of bill activity this Session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills handled by the joint standing committees. It is organized alphabetically by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are 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 finally passed 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>

Please note the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is July 4, 1996.

Joint Standing Committee on Judiciary

LD 346

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

PUBLIC 576

Sponsor(s)
RICHARDSON

Committee Report
OTP-AM

Amendments Adopted
H-754

LD 346, a bill carried over from the First Regular Session, proposed to reverse current practice in the State and make the Maine rule compatible with the federal rule by prohibiting the introduction of evidence in court when the evidence is related to steps taken after an accident to correct a condition that may have contributed to the accident.

Committee Amendment "A" (H-754) proposed to replace the bill with the language contained in the Federal Rules of Evidence, Rule 407. The amendment proposed that the change in the admissibility of evidence of subsequent remedial measures apply to causes of action in which the harm or injury occurred on or after the effective date of this Act.

Enacted law summary

Public Law 1995, chapter 576 inserts into statute the language contained in the Federal Rules of Evidence, Rule 407. It prohibits the introduction of evidence of subsequent remedial measures for the purpose of proving negligence or culpable conduct. Consistent with the federal rule, however, that evidence may be admitted for other purposes. The change in the admissibility of evidence of subsequent remedial measures applies to causes of action in which the harm or injury occurred on or after the effective date of this Act.

LD 423

An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions

ONTP

Sponsor(s)
KIEFFER

Committee Report
ONTP

Amendments Adopted

LD 423, a bill carried over from the First Regular Session, proposed to set a limit of \$250,000 on noneconomic damages in medical liability actions. The bill would not have changed a plaintiff's entitlement to recover for economic losses, including all medical expenses, rehabilitation services, custodial care, loss of earnings and earning capacity, loss of income and other verifiable monetary losses.

LD 526

An Act to Amend the Statute of Limitations for Health Care Providers and Health Care Practitioners to Include a Discovery Rule

ONTP

Sponsor(s)
TREAT
RAND

Committee Report
ONTP

Amendments Adopted