

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

LD 498

**An Act Requiring Pretrial Review of Disputes Involving
Engineers, Architects and Surveyors**

ONTP

SPONSOR(S)

SMALL

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have provided for the use of pretrial peer review panels in civil suits where resolution of a claim requires an assessment of the work of an engineer, architect or surveyor, including claims of professional negligence. A court-appointed panel comprised of one attorney and 2 professionals from the same field would have been authorized to mediate the dispute, hold hearings and make recommendations on the final disposition of the case. A pretrial review panel would not be required if the court considers it unsuitable for consideration by a panel.

LD 512

**An Act to Amend the Limitation on Damages in State Tort
Claims Actions to Allow for the Accrual of Post-judgment
Interest**

PUBLIC 61

SPONSOR(S)

PLOWMAN

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-76

SUMMARY

This bill allows post-judgment interest to accumulate in excess of the limitation on damages provided in the Maine Tort Claims Act.

COMMITTEE AMENDMENT "A" (H-76) adds a fiscal note to the bill.

LD 514

**An Act to Improve the Operation of Prelitigation
Screening Panels**

ONTP

SPONSOR(S)

PLOWMAN

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

Under the current law requiring prelitigation screening and mediation panels for claims of professional negligence, a hearing on such a claim must be held no later than 120 days from the service of the notice of claim. This bill would have amended the deadline to 6 months from the service of the notice of claim.

LD 516

An Act Concerning the Liability of Corporate Clerks

PUBLIC 63

SPONSOR(S)

OTT

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-138

SUMMARY

This bill clarifies that the duties of a corporate clerk are ministerial only and that the clerk is not liable in that capacity for liabilities of the corporation.

COMMITTEE AMENDMENT "A" (H-138) further clarifies that a clerk of a corporation is not an officer.