

MAINE STATE LEGISLATURE

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STATE OF MAINE
117TH LEGISLATURE

FIRST REGULAR SESSION

BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY

AUGUST 1995

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*

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**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:

CARRIED OVER	<i>Bill carried over to Second Session</i>
CON RES XXX	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
CONF CMTE UNABLE TO AGREE	<i>Committee of Conference unable to agree; bill died</i>
DIED BETWEEN BODIES	<i>House & Senate disagree; bill died</i>
DIED ON ADJOURNMENT	<i>Action incomplete when session ended; bill died</i>
EMERGENCY	<i>Enacted law takes effect sooner than 90 days</i>
FAILED EMERGENCY ENACTMENT	<i>Emergency bill failed to get 2/3 vote</i>
FAILED ENACTMENT	<i>Bill failed to get majority vote</i>
FAILED MANDATE ENACTMENT	<i>Bill imposing local mandate failed to get 2/3 vote</i>
INDEF PP	<i>Bill Indefinitely Postponed</i>
ONTP	<i>Ought Not to Pass report accepted</i>
P&S XXX	<i>Chapter # of enacted Private & Special Law</i>
PUBLIC XXX	<i>Chapter # of enacted Public Law</i>
RESOLVE XXX	<i>Chapter # of enacted Resolve</i>
UNSIGNED	<i>Not signed by Governor within 10 days</i>
VETO SUSTAINED	<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 would have required the State to hire two interpreters to work for state agencies and two interpreters to work for the Legislature to begin to satisfy mandates that require the State and the Legislature to be accessible to persons who are deaf or hard of hearing. The bill requires the hiring entities to involve the deaf and hard of hearing in the hiring process and the interviews. The bill requires reports from the Legislature and the state accessibility office on plans to achieve compliance with state and federal laws. The reports must include costs and necessary legislation. The bill assists the State and the Legislature in meeting the requirements of state and federal law, but does not in and of itself achieve or ensure compliance. The bill also brings up to date language in current law.

COMMITTEE AMENDMENT "A" (H-432) revises the proposal that the Legislature hire two full-time, year-round interpreters. Instead, the amendment would have required the Legislative Council to hire at least two session-only employees to serve as interpreters to provide interpretive services for official legislative business within the State House complex, including interpreting communications between Legislators and their constituents. It would have directed the Legislative Council to establish a priority ranking of the locations in which to have the large-area listening systems installed.

It clarifies that the Legislative Council is responsible for preparing and submitting a report on behalf of the Legislature, and the Office of Rehabilitation Services will prepare the report for the Executive Department, concerning the use of closed captioning, large-area listening systems, portable assistive listening systems and full audio wiring for hearing rooms.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-394) eliminates the requirements that the Legislature employ session-only interpreters and install large area listening services. It requires the Legislative Council to include in its report plans for the use of interpreting services for legislative business.

LD 632 An Act to Reform the Child Custody Laws ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
GWADOSKY	ONTP	

SUMMARY

This bill would have made several reforms concerning procedures and orders when the custody of a child is involved: requiring the court to require the parents to prepare a detailed plan indicating how the award of allocated or shared parental rights and responsibilities will be carried out; requiring the court to include in the final order a statement explaining why the court awarded parental rights and responsibilities as it did; requiring a parent who wants to relocate the child outside the state or to a place more than 250 miles from where the other parent resides in this state to give written notice to the court and the other parent before making the move; requiring the Department of Human Services to complete any investigations requested by the court within 60 days after receiving the request; requiring the appointment of a guardian ad litem in all contested custody cases; requiring the presiding judge to prepare a record of all proceedings in child custody and support matters. The Committee sent a letter to the Judicial Department urging progress on developing the capability to record all proceedings.

LD 633 An Act to Require Parental Notification for Minors Seeking Abortions ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
AHEARNE	ONTP MAJ OTP-AM MIN	

SUMMARY

This bill would have required that before an abortion may be performed on a pregnant minor, notification be provided to one parent or, when the minor is in fear of physical, sexual or emotional abuse from a parent, to a specified adult relative. The bill would have provided alternative procedures whereby the minor may seek court approval for the proposed abortion and would have established the procedures for judicial review and appeals. This bill is modeled on the provisions of Ohio law.

COMMITTEE AMENDMENT "A" (H-475) is the Minority Report. It would have replaced the bill. It would have required that either a parent be notified and an adult accompany the minor to the abortion; that a counselor accompany the minor to the abortion if the pregnant minor alleges abuse or neglect such that notifying the parent is not in the minor's best interest; or the District Court or Probate Court authorizes the abortion without parental consent. Any alleged abuse or neglect would be required to be reported to the Department of Human Services.

LD 636 An Act to Modify Joint and Several Liability in Medical Malpractice Actions

CARRIED OVER

SPONSOR(S)
RUHLIN

COMMITTEE REPORT

AMENDMENTS ADOPTED

SUMMARY

This bill proposes to modify the principle of joint liability in medical negligence cases. Under this bill, multiple defendants in these cases would remain jointly liable for all damages awarded for economic loss and would remain jointly liable for noneconomic loss unless a defendant is found to be less than 25% at fault as compared with other defendants. For that defendant, liability would be several with regard to only noneconomic damages. Thus, that defendant would be responsible only for the defendant's portion of the noneconomic damages, but would remain jointly liable for all economic damages.

LD 643 An Act to Provide Better Information Concerning Tort Reform

ONTP

SPONSOR(S)
LONGLEY

COMMITTEE REPORT
ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have continued the process begun by Public Law 1989, chapter 843, section 3. That law charged the Bureau of Insurance with the task of reviewing the 1989 study by the Minnesota Department of Commerce relating to closed medical malpractice liability claims in Minnesota, North Dakota and South Dakota. The purpose of the review was to determine what closed claims information must be collected in Maine in order to provide a data base to evaluate the effects of past law changes and the likely effects of proposals to change laws relating to tort law and insurance regulation. The Bureau of Insurance was then to determine whether or not the necessary information could be obtained through medical malpractice rate filings made during 1990. If that information were not available, the bureau was then to seek out an appropriate, cost-effective manner of collecting the information. The bureau then was to report its determinations and recommendations to the Joint Standing Committee on Banking and Insurance and the Executive Director of the Legislative Council by January 1, 1991. This bill would have finished this process by charging the Bureau of Insurance with the task of compiling updated information and writing a report that estimates the actual savings of tort reform in the State as a percentage of total health spending.