

MAINE STATE LEGISLATURE

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**STATE OF MAINE
117TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JUNE 1996

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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.

LD 526, a bill carried over from the First Regular Session, proposed to enact a discovery rule with respect to the statute of limitations for medical malpractice actions. Current law imposes a 3-year statute of limitations in medical malpractice actions with the 3-year period running from the date of the act or omission causing the harm or, in cases involving a foreign object left in the body, the 3 years runs from the date of discovery of the harm. The bill would have required the 3-year period to run from the date of discovery of the harm in all cases.

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

<u>Sponsor(s)</u> RUHLIN	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 636, a bill carried over from the First Regular Session, proposed to modify the principle of joint liability in medical malpractice cases. Under this bill, multiple defendants in these cases would have remained jointly liable for all damages awarded for economic loss and would have remained jointly liable for noneconomic loss unless a defendant were found to be less than 25% at fault as compared with other defendants. For such a defendant, the liability for non-economic damages would have been based on the degree of fault but that defendant would have remained jointly liable for all economic damages.

LD 658 **An Act Concerning Real Estate Trusts** PUBLIC 523

<u>Sponsor(s)</u> OTT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-704
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LD 658, a bill carried over from the First Regular Session, proposed to provide that real estate trusts are not invalidated if a trustee is not named at the creation of the trust.

Committee Amendment "A" (H-704) proposed to replace the bill. It would have provided that deeds to or from a trust would not be invalidated for failure to name a trustee as grantor or grantee. It would not have changed the status of a trust into an entity capable of holding or conveying title in its own name; nor would it apply to trusts which already are such entities. The amendment would have provided for the preservation of claims of any person claiming the invalidity of such a deed delivered before the bill's effective date.

Enacted law summary

Public Law 1995, chapter 523 replaces the bill. It provides that deeds to or from a trust will not be invalidated for failure to name a trustee as grantor or grantee, but it does not change the status of a trust into an entity capable of holding or conveying title in its own name. It does not apply to trusts which already are such entities. The law also provides for the preservation of claims of any person claiming the invalidity of such a deed delivered before the law's effective date.

LD 742 **An Act Regarding Wrongful Death Actions** PUBLIC 577

<u>Sponsor(s)</u> LAFOUNTAIN	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-755
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