

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:

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*

**Denotes Chair*



**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

LD 648 An Act to Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 462

EMERGENCY

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
	OTP-AM	H-638 TREAT S-332 S-362 BEGLEY S-369 MILLS

SUMMARY

This bill corrects errors and inconsistencies in the statutes, Public Laws, and Resolves.

COMMITTEE AMENDMENT "A" (S-322) makes corrections, adds additional sections and removes provisions that are unnecessary or that may have a substantive impact.

HOUSE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (H-638) adds provisions that may have a substantive effect.

SENATE AMENDMENT "A" TO COMMITTEE AMENDMENT "A" (S-362) makes a technical correction.

SENATE AMENDMENT "B" TO COMMITTEE AMENDMENT "A" (S-369) reenacts a provision of the Maine Tort Claims Act concerning liability insurance coverage for employees using their own vehicles for business purposes. It carries out the intent of PL 95, c. 352 (LD 1155, Joint Standing Committee on Banking and Insurance).

LD 658 An Act Concerning Real Estate Trusts

CARRIED OVER

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
OTT		

SUMMARY

This bill proposes to provide that real estate trusts are not invalidated if a trustee is not named at the creation of the trust. The Judiciary Committee has requested the Maine State Bar Association to report back with comprehensive legislation in this issue.

LD 663 An Act to Extend the Charitable Immunity Laws

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
ROTONDI	ONTP	

SUMMARY

This bill would have extended the charitable immunity laws to associations of municipal or other political subdivision officials or officers that are created to educate the members and to create statewide standards of conduct for the members.

LD 668 An Act to Improve the Civil Order of Arrest Procedure

ONTP

SPONSOR(S)	COMMITTEE REPORT	AMENDMENTS ADOPTED
MITCHELL EH	ONTP	

SUMMARY

Under the current civil order of arrest procedure, enforcement of money judgments often takes place where the debtor lives, making it difficult for creditors to appear on short notice. This bill would have permitted a judge or a special disclosure officer to substitute for creditors. The bill also would have

provided that on the second arrest for the same judgment, debtors would be jailed unless they post cash bond. The jailing is not for failure to pay but for failure to appear in the first civil order of arrest process to determine why the debtor has not paid and whether the debtor is able to pay. The bill required that the debtors be warned at the first arrest that this consequence will follow.

LD 670 An Act to Extend the Medical Liability Demonstration Project Deadline by 3 Years

PUBLIC 343

SPONSOR(S)

SAXL J

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

H-502

SUMMARY

This bill extends the deadline of the medical liability demonstration project by 3 years. This project was established by the Bureau of Insurance and the Board of Licensure in Medicine. The bill establishes a date when an interim report is due and establishes the final report date as December 1, 2000.

COMMITTEE AMENDMENT "A" (H-502) adds a fiscal note to the bill.

LD 679 An Act to Strengthen the Laws Currently Governing the Failure to Preserve the Life of a Live Born Person

ONTP

SPONSOR(S)

AHEARNE

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have made the failure to provide treatment to a live born person a Class B crime. The bill was voted ONTP without a public hearing at the request of the sponsor.

LD 683 An Act to Clarify the Status of Sewer Districts and Refuse Disposal Districts as Special Purpose Districts under the Maine Tort Claims Act

ONTP

SPONSOR(S)

MORRISON

COMMITTEE REPORT

ONTP

AMENDMENTS ADOPTED

SUMMARY

This bill would have clarified by specific reference that any sewer district or refuse disposal district is a special purpose district for purposes of the application of the Maine Tort Claims Act.

LD 697 An Act Governing Privileged Communications between Victims of Domestic Violence and Their Advocates

PUBLIC 128

SPONSOR(S)

AMERO

COMMITTEE REPORT

OTP-AM

AMENDMENTS ADOPTED

S-78

SUMMARY

This bill establishes the parameters of privilege for confidential communications between victims of domestic or family violence and advocates who provide services and counseling for the victims. The addresses of family violence shelters and safe houses are protected absolutely. Other confidential