

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 985 An Act to Amend the Law Dealing with Agreements for
Recovery of Personal Property**

PUBLIC 209

SPONSOR(S)
CAREY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
S-154

SUMMARY

This bill amends the Unclaimed Property Act to allow an owner who is subjected to a frivolous suit seeking payment of a compensatory fee to be reimbursed for any attorneys' fee and other costs of litigation by the person who brought the frivolous suit. The bill also makes the bill applicable to suits that were filed on or after January 1, 1994.

COMMITTEE AMENDMENT "A" (S-154) replaces the original bill and provides that a person who makes a claim for compensation in violation of the section of the Unclaimed Property Act restricting agreements to locate property violates the Unfair Trade Practices Act. The amendment also adds a fiscal note to the bill.

**LD 1024 An Act to Allow for Decreased Municipal Liability Regarding
Ice-skating Rinks**

INDEF PP

SPONSOR(S)
DONNELLY

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-301

SUMMARY

This bill would have amended the definition of operator so that municipalities are added to the list of operators exempt from liability as long as the ice-skating rink is kept in good condition. Current law provides that an individual may sue the municipality if an injury occurs at an ice-skating rink.

COMMITTEE AMENDMENT "A" (H-301) would have replaced the original bill and provided that the State and political subdivisions of the State would be subject to the provisions of the Ice-skating Safety Act. The amendment also states that any claim against the state or a political subdivision of the State must proceed under the Maine Tort Claims Act. The Maine Tort Claims Act would have been amended to reflect that the governmental entity's responsibilities are as provided in the Ice-skating Safety Act. The amendment included a fiscal note.

**LD 1069 An Act to Promote the Use of Alternative Dispute
Resolution in State Government**

PUBLIC 249

SPONSOR(S)

COMMITTEE REPORT
OTP-AM

AMENDMENTS ADOPTED
H-302

SUMMARY

This bill requires all state agencies with responsibility for holding adjudicatory proceedings to consider the need for amending the agency's procedural rules to promote the cost-effective use of alternative dispute resolution techniques. The agencies are allowed to defer alternative dispute resolution rulemaking until the next time the agency is engaged in amending its procedural rules and to include in those rules provisions for alternative dispute resolution only when appropriate.

COMMITTEE AMENDMENT "A" (H-302) restructures the original bill and adds a fiscal note.