

MAINE STATE LEGISLATURE

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**STATE OF MAINE
118TH LEGISLATURE**

**FIRST REGULAR SESSION
AND
FIRST SPECIAL SESSION**

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 1997

MEMBERS:

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Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Elizabeth Watson

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Maine State Legislature

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**ONE HUNDRED EIGHTEENTH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS**

**Summary Of Legislation Before The Joint Standing Committees
August 1997**

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. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

- CARRIED OVER*.....*Bill carried over to Second Regular Session*
- CON RES XXX*.....*Chapter # of Constitutional Resolution passed by both Houses*
- CONF CMTE UNABLE TO AGREE*.....*Committee of Conference unable to agree; bill died*
- DIED BETWEEN BODIES*.....*House & Senate disagree; bill died*
- DIED IN CONCURRENCE*.....*One body accepts ONTP report; the other indefinitely postpones the bill*
- DIED ON ADJOURNMENT*.....*Action incomplete when session ended; bill died*
- EMERGENCY*.....*Enacted law takes effect sooner than 90 days*
- FAILED EMERGENCY ENACTMENT/FINAL PASSAGE*.....*Emergency bill failed to get 2/3 vote*
- FAILED ENACTMENT/FINAL PASSAGE*.....*Bill failed to get majority vote*
- FAILED MANDATE ENACTMENT*.....*Bill imposing local mandate failed to get 2/3 vote*
- INDEF PP*.....*Bill Indefinitely Postponed*
- ONTP*.....*Ought Not To Pass report accepted*
- OTP ND*.....*Committee report Ought To Pass In New Draft*
- OTP ND/NT*.....*Committee report Ought To Pass In New Draft/New Title*
- P&S XXX*.....*Chapter # of enacted Private & Special Law*
- PUBLIC XXX*.....*Chapter # of enacted Public Law*
- RESOLVE XXX*.....*Chapter # of finally passed Resolve*
- UNSIGNED*.....*Bill held by Governor*
- VETO SUSTAINED*.....*Legislature failed to override Governor's Veto*

Please note the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is June 26, 1997 and September 19, 1997 for the First Special Session.

David E. Boulter, Director

Offices Located in the State House, Rooms 101/107/135

LD 10

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

**PUBLIC 393
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		S-411

LD 10, the “Errors Bill,” proposed to make technical corrections in the laws of Maine.

Committee Amendment "A" (S-411) proposed to make corrections to the bill and to add several more corrections. Part C proposed corrections that can be considered substantive.

Senate Amendment “A” to Committee Amendment "A" (S-418) proposed to amend the motorcycle registration plates to read “DRIVE SAFELY” rather than the grammatically incorrect “DRIVE SAFE.” (not adopted)

Enacted law summary

Public Law 1997, chapter 393 makes corrections in the Maine laws. This law takes effect June 5, 1997.

LD 23

An Act to Amend the Laws Governing Admission to Mental Health Institutions

ONTP

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
LAWRENCE		ONTP		

LD 23 proposed to allow medication of a patient in a state mental health institute or nonstate mental health institution during the first 72 hours after voluntary or emergency involuntary admission only in certain circumstances. The bill proposed to shorten the time period for filing emergency commitment papers from five business days to three business days. It proposed to require that the person undergoing commitment or the person's counsel be provided with written notice of the right to choose a physician or psychologist for an examination. See also LD 1806.

LD 25

Resolve, to Extend the Reporting Deadline of the Task Force on Tribal-State Relations

**RESOLVE 1
EMERGENCY**

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
TREAT		OTP		

LD 25 proposed to extend the reporting deadline for the Task Force on Tribal-State Relations.

Enacted law summary

Resolves 1997, chapter 1 extends the reporting deadline for the Task Force on Tribal-State Relations. The legislative recommendations of the Task Force are printed as LD 1269. This resolve takes effect retroactively to December 15, 1996.

LD 29 An Act to Amend the Wrongful Death Laws CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN LEMAIRE		

LD 29 proposes to eliminate the current damage cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current damage cap of \$75,000 that may be awarded in punitive damages. This bill has been carried over to the Second Regular Session.

**LD 30 An Act to Exclude Intentional Tort Claims from the Application of CARRIED OVER
the Maine Workers' Compensation Act of 1992**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN DAVIDSON		

LD 30 proposes to allow an employee to pursue an action outside of the Maine Workers' Compensation Act of 1992 for injuries arising out of an intentional act against that employee. The bill is intended to address the decision in Li v. C.N. Brown Company, 645 A.2d 606 (Me. 1994), where an employee's death resulted from her intentional exposure to a robbery by her employer. This bill has been carried over to the Second Regular Session.

**LD 35 An Act to Prohibit the Photographing or Transmittal of Jury DIED BETWEEN
Deliberations Bodies**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY	ONTP MAJ OTP MIN	

LD 35 proposed to prohibit the recording or transmittal of jury deliberations by electronic means. The bill defined “electronics means” to include but not be limited to, still photography videotaping or audiotaping and direct live video or audio feeds.