

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

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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:

<i>CARRIED OVER</i>	<i>Bill carried over to Second Regular 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 IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</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/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</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>OTP ND</i>	<i>Committee report Ought To Pass In New Draft</i>
<i>OTP ND/NT</i>	<i>Committee report Ought To Pass In New Draft/New Title</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>Bill held by Governor</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 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 533 proposed to restore the allocation of liability of natural gas providers for natural gas explosions or fires that existed prior to 1995. A natural gas company or natural gas pipeline company would be strictly liable for all deaths, personal injuries and property damage resulting from explosion or fire caused by the escape of natural gas from that portion of the storage or distribution system under its control. The bill proposed to reinstate the rebuttable presumption that the natural gas causing a fire or explosion escaped from that portion of the system under the company's control. The burden would be on the company to prove that the gas did not escape from that portion of the system under its control. Damages for which the company is liable could be reduced by proving to the court or jury that there was another cause for or source of the escape of the natural gas if the factfinder were to determine it to be just and equitable.

Committee Amendment "A" (H-298) proposed to replace the bill and clarify the application of the current law establishing the standard of liability for natural gas companies and natural gas pipeline companies.

Enacted law summary

Public Law 1997, chapter 222 clarified that natural gas transmission companies, whether intrastate or interstate, that transport natural gas in the State but do not necessarily store or distribute gas, have the same liability as other natural gas companies.

LD 535

An Act to Ban Partial Birth Abortions

DIED BETWEEN BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	ONTP A OTP-AM B OTP-AM C	

LD 535 is modeled on the Partial-Birth Abortion Ban Act of 1995 passed by Congress and vetoed by President Clinton in 1996 (H.R. 1833). It proposed to prohibit partial-birth abortions except when such an abortion is necessary to save the life of the mother and no other medical procedure would suffice for that purpose. It proposed to make performance of a partial-birth abortion a Class C crime. In addition, the person performing the abortion would be subject to damages in a civil suit, although the mother could not be prosecuted.

Committee Amendment "A" (H-163) (Minority Report) proposed to replace the bill. It proposed to amend the definition of "abortion" to specifically state that it includes partial birth abortion in order to make it clear that the state policy concerning post-viability abortions, prohibited except when the abortion is necessary to protect the life or health of the mother, would have applied to partial birth abortions. It also proposed to amend the policy statement to clarify that the use of the dilation and evacuation method of abortion after viability would be restricted to only those situations in which the abortion is necessary to preserve the life or health of the mother. (Not adopted.)

Committee Amendment "B" (H-164) (Minority Report) proposed to add a fiscal note to the bill. (Not adopted.)

House Amendment "A" to Committee Amendment "A" (H-181) proposed to prohibit partial-birth abortions except when necessary to save the life of the mother and further proposed to require that all partial-birth abortions be performed in a hospital or ambulatory surgical facility. (Not adopted.)

House Amendment "B" to Committee Amendment "A" (H-182) proposed to require physicians who perform abortions to report the abortion procedure used when reporting abortion information to the Department of Human Services. (Not adopted.)

House Amendment "C" to Committee Amendment "A" (H-187) proposed to provide a penalty of life imprisonment or at least five years for any person who destroys the life of a child who is being born if that child otherwise would have lived. (Not adopted.)

House Amendment "A" (H-183) proposed to provide a penalty of life imprisonment or at least five years for any person who destroys the life of a child who is being born if that child otherwise would have lived. (Not adopted.)

House Amendment "B" (H-184) proposed to require physicians who perform abortions to report the abortion procedure used when reporting abortion information to the Department of Human Services. (Not adopted.)

House Amendment "C" (H-188) proposed to require that all partial-birth abortions be performed in a hospital or ambulatory surgical facility. (Not adopted.)

LD 549 An Act to Change the Reimbursement for Law Enforcement Personnel Testifying in Court INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LEMONT LAWRENCE	OTP-AM	H-639 H-672 WHEELER E

LD 549 proposed to replace the current flat-fee reimbursement of \$10 a day for a law enforcement officer appearing for trial in District with reimbursement on an hourly basis at the officer's range and step.

Committee Amendment "A" (H-639) proposed to increase to \$30 a day the reimbursement rate for court time for municipal law enforcement officers.

LD 570 An Act to Clarify the Laws on Punitive Damages ONTP

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

LD 570 proposed to authorize the recovery of punitive damages in civil lawsuits, as long as one-third of any such award is paid by the defendant directly to the Treasurer of State for general purposes. The plaintiff would have been barred from agreeing to pay an attorney's fee out of a punitive damage award if the fee were to exceed the amount payable by the defendant to the State.