

# 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:***

*Sen. Susan W. Longley, Chair*

*Sen. Lloyd P. LaFountain III*

*Sen. John W. Benoit*

*Rep. Richard H. Thompson, Chair*

*Rep. Elizabeth Watson*

*Rep. David Etnier*

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*Rep. G. Paul Waterhouse*

***Staff:***

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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](http://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

**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.