

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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Sen. Lloyd P. LaFountain III

Sen. John W. Benoit

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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 1032**An Act to Simplify the Filing of Claims in Probate Estates****PUBLIC 321**Sponsor(s)
FISKCommittee Report
OTPAmendments Adopted

LD 1032 proposed to allow a creditor of a deceased person, whose estate has not yet been filed, to present the creditor's claim in a simple manner without requiring the creditor to initiate the probate of the estate.

Enacted law summary

Public Law 1997, chapter 321 allows a creditor of a decedent to present a claim before the estate is formally commenced by filing with the probate court a written statement of claim and a demand for notice which entitles the creditor to receive service of any filing with the probate court or notice or order of the court which pertain to the creditor's claim. Once the probate estate is filed and a personal representative appointed, the personal representative may disallow or allow the claim.

LD 1042**An Act to Protect People with Limited Mental Capacity****ONTP**Sponsor(s)
MITCHELL E
DAGGETTCommittee Report
ONTPAmendments Adopted

LD 1042 proposed to require that mentally ill persons, persons with mental retardation and persons eligible for services from the Department of Mental Health, Mental Retardation and Substance Abuse Services be accompanied by a competent guardian, parent or friend when questioned by a law enforcement agency in connection with a suspected crime. Any statement made by the person during questioning conducted outside the presence of a competent guardian, parent or friend would have been inadmissible in court.

LD 1050**An Act to Revise the Prelitigation Malpractice Screening Panel Procedures, Criteria and Composition****CARRIED OVER**Sponsor(s)
SAVAGECommittee ReportAmendments Adopted

LD 1050 proposes to amend the procedures for mandatory prelitigation screening and mediation panels by changing the composition of the panels, requiring the panels to determine whether there are genuine issues of material fact concerning the claim, and prohibiting the use of the panels for litigation that does not involve a health care practitioner as a defendant. This bill has been carried over to the Second Regular Session.