

# 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*

*Rep. Richard H. Thompson, Chair*

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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:

<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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 1378**

**An Act to Amend the Uniform Commercial Code as it Relates to Letters of Credit and Investment Securities**

**PUBLIC 429**

Sponsor(s)  
MILLS

Committee Report  
OTP-AM

Amendments Adopted  
S-309

LD 1378 proposed changes recommended by the National Conference of Commissioners on Uniform State Laws as revisions to the Uniform Commercial Code, Article 5, on letters of credit and Article 8, on investment securities.

**Committee Amendment "A" (S-309)** proposed to make technical changes, to conform the Maine Revised Statutes, Title 30-A, section 5706, subsection 2 with Part B of the bill and to recognize an alternative means by which municipalities investing in repurchase agreements may acquire an interest in United States Government obligations.

*Enacted law summary*

Public Law 1997, chapter 429 enacts the revisions to the Uniform Commercial Code, Article 5 (letters of credit) and Article 8 (investment securities) as adopted by the National Conference of Commissioners on Uniform State Laws.

**LD 1384**

**An Act to Reform Procedure in Multiparty Lawsuits**

**CARRIED OVER**

Sponsor(s)  
MILLS

Committee Report

Amendments Adopted

LD 1384 proposes to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants. It also proposes to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarifies how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements. The bill also proposes to authorize the courts to approve Pierringer release procedures in complex litigation. This bill has been carried over to the Second Regular Session.

**LD 1392**

**An Act to Require the Release of the Results of an HIV Test to a Person Who Has Experienced a Bona Fide Occupational Exposure**

**PUBLIC 331**

Sponsor(s)  
WATERHOUSE  
CAREY

Committee Report  
OTP-AM MAJ  
OTP-AM MIN

Amendments Adopted  
H-404

LD 1392 proposed to provide that an emergency services worker who is exposed to potentially infectious blood or other bodily fluids of another person in the course of employment may require that person to submit to an HIV test and may require that the results of that test be disclosed to that emergency services worker. See also LD 1409.

**Committee Amendment "A" (H-404)** is the majority report. It proposed that anyone, including those who would be included in the definition in the original bill of "emergency services worker," who experiences a bona fide occupational exposure is entitled to receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. It proposed to remove the discretion that the court has under current law and to repeal the provision whereby the court must consider the balance of benefit and harm to each individual before ordering the test.

**Committee Amendment "B" (H-405)** is the minority report. It proposed that anyone, including those who would be included in the definition in the original bill of "emergency services worker," who experiences a bona fide occupational exposure may receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. It proposed to preserve the current law provisions that give the court discretion in ordering the test and to add a provision giving the court discretion to release the results to the person exposed, based upon the balance of benefit and harm to both the person exposed and the person tested. (Not adopted.)

***Enacted law summary***

Public Law 1997, chapter 331 provides that anyone who experiences a bona fide occupational exposure is entitled to receive the results of a court-ordered HIV test on a person whose blood or bodily fluid is the source of a bona fide occupational exposure, pursuant to the judicial consent procedures of the Maine Revised Statutes, Title 5, section 19203-C. The court no longer has discretion whether to order the test and release of the results. See also LD 1409, Public Law 1997, chapter 368.

**LD 1400                      An Act to Provide Notice of Municipalities When a For-profit Corporation Intends to Obtain Nonprofit Status                      ONTP**

<u>Sponsor(s)</u> LABRECQUE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1400 proposed to require that a for-profit corporation intending to reorganize as a nonprofit corporation must notify the local officials in any municipality or unorganized territory in which it owns real property at least 30 days before it files with the Secretary of State articles of incorporation for nonprofit status.