

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

MEMBERS:

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Sen. Sharon Anglin Treat

Sen. John W. Benoit

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ONE HUNDRED NINETEENTH LEGISLATURE
SECOND REGULAR SESSION

Summary Of Legislation Before The Joint Standing Committees
July 2000

We are pleased to provide this summary of bills that were considered by the Joint Standing and Select Committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing and select committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized 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:

- 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
- NOT PROPERLY BEFORE THE BODY..... Ruled out of order by the presiding officers; bill died
- 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 Second Regular Session (unless otherwise specified in a particular law) is August 11, 2000.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101 & 107

LD 470**An Act Requiring Compensation for Loss of Property Value Due to State or Local Regulation**

ONTP

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

LD 470 proposed to require the State and its political subdivisions to pay property owners when state or local regulations lower the owner's property value by more than 50%. See also LD 1990 and 2121.

Committee Amendment "A" (H-872), the minority report, proposed to add a fiscal note to the bill. (Not adopted)

LD 687**An Act Regarding Wrongful Death Actions****PUBLIC 772**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER DOUGLASS	OTP-AM MAJ ONTP MIN	H-871 S-606 NUTTING J

LD 687 proposed to remove the current cap of \$150,000 on the amount of damages that may be awarded in a wrongful death action to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased. Damages would be awarded in an amount the jury considered fair and just.

Committee Amendment "A" (H-871), the majority report, proposed to add an application section to the bill, providing that the repeal of the cap on certain damages in a wrongful death action applies to causes of action arising on or after the effective date of the Act.

Senate Amendment "A" (S-606) proposed to replace the committee amendment. Instead of removing the cap on damages for the loss of comfort, society and companionship, the amendment proposed to raise the cap to \$400,000, to match the limitation on damages for claims against governmental entities allowed under the Maine Tort Claims Act.

Enacted law summary

Public Law 1999, chapter 772 raises from \$150,000 to \$400,000 the cap on the amount of damages that may be awarded in wrongful death actions to the family of the deceased to compensate for the loss of comfort, society and companionship of the deceased.