

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

MEMBERS:

Sen. Susan W. Longley, Chair

Sen. Sharon Anglin Treat

Sen. John W. Benoit

Rep. Richard H. Thompson, Chair

Rep. Thomas Bull

Rep. Charles C. LaVerdiere

Rep. Patricia T. Jacobs

Rep. Charles E. Mitchell

Rep. William S. Norbert

Rep. Debra D. Plowman

Rep. David R. Madore

Rep. G. Paul Waterhouse

Rep. William J. Schneider

Rep. Donna M. Loring

Staff:

Margaret J. Reinsch, Esq., Principal Analyst

Deborah C. Friedman, Esq., Senior Legislative Analyst

Office of Policy and Legal Analysis

13 State House Station

Augusta, ME 04333

(207)287-1670



Maine State Legislature
OFFICE OF POLICY AND LEGAL ANALYSIS

13 State House Station, Augusta, Maine 04333-0013
 Telephone: (207) 287-1670
 Fax: (207) 287-1275

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 1303

An Act to Amend the Statute of Limitations for Medical Malpractice

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON RAND	ONTP	

LD 1303 proposed to amend the statute of limitations relating to health care providers and health care practitioners. The bill proposed to require an action for professional negligence to be commenced within 3 years after a plaintiff discovers, or in the exercise of reasonable diligence should have discovered, the injury but not more than 6 years after the cause of action accrues.

LD 1471

An Act to Amend the Laws Governing Wrongful Death

ONTP

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

Under current law, the statute of limitations for commencement of a lawsuit based on the professional negligence of a health care provider or practitioner is 3 years from the date of the alleged negligent act, whether that act is alleged to have caused an injury or death. LD 1471 proposed to permit an extension of that limitation period in certain circumstances. When the lawsuit results from an alleged wrongful death, the bill proposed that the limitation period be 2 years from the date of death, as currently provided under the Maine Probate Code, if the death occurred within the 3-year period provided under the Maine Health Security Act. In such a lawsuit, all other provisions of the Maine Probate Code's wrongful death statute, including caps on the amount of damages recoverable, would apply.

LD 1557

An Act to Expand a Judge's Powers for Contemptuous Failure to Pay

PUBLIC 743

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM MAJ ONTP MIN	S-668

LD 1557 proposed to expand the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. In addition to a reasonable fine and term of imprisonment, the bill proposed to allow the court to suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses, after finding a person has contemptuously failed to pay a fine or other monetary part of a sentence.

Committee Amendment "A" (S-668) proposed to require the court to provide notice of suspension to the agency that issued the license or other authority. It also proposed to delete changes to the motor vehicle laws. The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Enacted law summary

Public Law 1999, chapter 743 expands the remedies a court has when finding a person in civil contempt for failure to pay a fine, surcharge or assessment for the violation of any civil or criminal statute. In addition to a reasonable fine and term of imprisonment, the court may suspend any license or registration issued by the State, including hunting and fishing licenses and drivers' licenses.

LD 1603

An Act to Amend the Wrongful Death Laws

ONTP

<u>Sponsor(s)</u> LAFOUNTAIN		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
---------------------------------	--	---------------------------------	--	---------------------------

LD 1603 proposed to eliminate the current cap of \$150,000 that may be awarded in wrongful death actions for loss of comfort, society and companionship and the current cap of \$75,000 that may be awarded in punitive damages.

LD 1620

Resolve, to Establish the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf and to Continue Oversight of Multiagency Cooperation

**RESOLVE 127
EMERGENCY**

<u>Sponsor(s)</u> TOWNSEND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-979 S-770 MICHAUD
-------------------------------	--	-----------------------------------	--	---

LD 1620 proposed to allow any person who was a student at the Governor Baxter School for the Deaf between 1974 and 1998 to bring an action against the school notwithstanding any provision of the law limiting the time period for which an action may be commenced or concerning the Maine Tort Claims Act. A person bringing an action pursuant to this resolve would have 3 years from the effective date of the resolve to file the action.

Committee Amendment "A" (H-979) proposed to replace the resolve. It proposed to establish a 5-member committee, consisting of Legislators, to develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf. It also proposed to require reports from the Department of Education, the Department of Labor, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services concerning their multiagency efforts to address the response to abuse of students at the Governor Baxter School for the Deaf and the provision of services to the Deaf community.

Senate Amendment "A" to Committee Amendment "A" (S-770) proposed to clarify the naming of cochairs and change the convening date of the Committee to Develop a Compensation Program for Victims of Abuse at the Governor Baxter School for the Deaf.