

MAINE STATE LEGISLATURE

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**STATE OF MAINE
119TH LEGISLATURE**

SECOND REGULAR SESSION

**BILL SUMMARIES
JOINT STANDING COMMITTEE
ON
JUDICIARY**

JULY 2000

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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

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>
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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
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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.

Enacted law summary

Resolve 1999, chapter 127 establishes a 5-member committee, made up of Legislators, to develop a compensation program for victims of abuse at the Governor Baxter School for the Deaf. It lists specific items that must be considered in the study process and elements that must be included in the program. It includes resources to make use of consultants and participants from other compensation programs. The study committee must report to the First Regular Session of the 120th Legislature by November 1, 2000 with any implementing legislation. At least partial funding for compensation is included in the Budget Bill, Public Law 1999, chapter 731, Part PPP.

Chapter 127 also requires 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. Reports are due by August 1, 2000 and January 31, 2001.

Resolve 1999, chapter 127 was finally passed as an emergency measure effective May 10, 2000.

LD 1717 An Act to Make Privileged Communication Between a Licensed Counseling Professional and a Patient ONTP

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

LD 1717 proposed to amend the statutory privilege for communication between a licensed professional counselor and a patient made during the course of professional counseling services.

LD 1771 An Act to Establish a Limit on Noneconomic Damages in Medical Malpractice Actions ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN MITCHELL B	ONTP	

LD 1771 proposed to set a limit of \$250,000 on non-economic damages in medical liability actions.