

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. 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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	OTP-AM	S-558

LD 1795 proposed to restructure the comparative negligence laws and define how they should apply in cases with multiple defendants. The bill also proposed to restructure the laws dealing with release of joint tortfeasors when settlement is not reached and clarify how the judge applies offsets against subsequent verdicts when there have been prejudgment settlements. The bill also proposed to authorize the courts to approve Pierringer release procedures in complex litigation.

Committee Amendment "A" (S-558) proposed to replace the bill. It proposed to authorize the courts to approve Pierringer release and dismissal procedures in multiparty litigation.

Enacted law summary

Public Law 1999, chapter 633 authorizes the courts to approve Pierringer release and dismissal procedures in multiparty litigation. In a Pierringer release, the plaintiff gives up that share of recovery that is proportional to the settling defendant's fraction of responsibility. The purpose of a Pierringer release is to permit one defendant to settle with the plaintiff and to withdraw finally from the suit even when there are cross claims against the defendant. Chapter 633 also contains safeguards to protect nonsettling parties from being prejudiced by the absence of the settling defendant.

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

LD 1820 proposed to enhance the enforcement of fish and game laws by redefining several crimes as civil violations to allow efficient processing by the courts and to reduce the number of contested cases. Violators would have retained the right to contest the matter in court. The bill also proposed to revise the responsibilities of game wardens by allowing them to take cash or credit card payments for bail in any location when an arrest is made. Game wardens making arrests in Cumberland County would have been permitted to take the defendant to any District Court serving Cumberland County, rather than being limited to the closest court.

This bill was referred to the Judiciary Committee from the Joint Standing Committee on Inland Fisheries and Wildlife. The crimes proposed to be decriminalized in this bill are included in Committee Amendment "A" to LD 260, Public Law 1999, chapter 771.