

MAINE STATE LEGISLATURE

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*State Of Maine
122nd Legislature*

*First Regular Session and
First Special Session*

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2005

Members:

Sen. Barry J. Hobbins, Chair

Sen. Lynn Bromley

Sen. David R. Hastings III

*Rep. Deborah L. Pelletier-Simpson,
Chair*

Rep. Sean Faircloth

Rep. Stan Gerzofsky

Rep. Marilyn E. Canavan

Rep. Mark E. Bryant

Rep. Michael Edward Dunn

Rep. Roger L. Sherman

Rep. Roderick W. Carr

Rep. Joan Bryant-Deschenes

Rep. Joan M. Nass

Rep. Donna M. Loring

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Maine State Legislature

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122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing 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 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. A subject index for each committee is included immediately before the bill summaries for that committee, and a numerical index by LD number is included 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:

- CARRIED OVER Bill Carried Over to Second Regular Session
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 First Regular Session (unless otherwise specified in a particular law) is June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

Joint Standing Committee on Judiciary

LD 324

An Act To Clarify Ownership and Management of Architectural Firms

ONTP

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

LD 324 is a concept draft pursuant to Joint Rule 208. It proposed to require managers or the majority of directors of architectural firms to be licensed architects in order to prevent owners or shareholders of the firms who are engineers and not architects from managing licensed architects.

LD 385

An Act To Limit the Liability of Ambulance Services in Maine

PUBLIC 398

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TUTTLE	OTP-AM	H-693 PELLETIER-SIMPSON
NASS R		

LD 385 proposed to provide a limitation on the tort liability of ambulance services. It also proposed to prohibit anyone from requiring an ambulance service to maintain liability insurance coverage in excess of these limits.

Committee Amendment "A" (H-543) proposed to replace the bill. It proposed to relocate to the law governing emergency medical services the proposed language that applies the Maine Tort Claims Act's liability caps to ambulance services. It also proposed to apply the Maine Tort Claims Act's individual employee cap on damages of \$10,000 to the employees of ambulance services. (Not adopted)

House Amendment "A" (H-693) proposed to replace the bill. It proposed to provide that a for-profit, incorporated emergency medical service be covered by the Maine Tort Claims Act only when it is acting within the scope of emergency response activities authorized by a contract between the emergency medical service and the governmental entity. It also proposed to provide that an ambulance service cannot be required to procure insurance coverage beyond the liability limits of the Maine Tort Claims Act for any liability that falls under the application of the Maine Tort Claims Act, and that an insurer cannot require coverage for liability beyond the liability limits when applicable.

Enacted law summary

Public Law 2005, chapter 398 provides that a for-profit, incorporated emergency medical service is covered by the Maine Tort Claims Act only when it is acting within the scope of emergency response activities authorized by a contract between the emergency medical service and the governmental entity.

Chapter 398 also provides that an ambulance service cannot be required to procure insurance coverage beyond the liability limits of the Maine Tort Claims Act for any liability that falls under the application of the Maine Tort Claims Act. Chapter 398 also provides that an insurer cannot require coverage for liability beyond the liability limits when applicable.