

MAINE STATE LEGISLATURE

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L.D. 2400

(Filing No. S- 543)

STATE OF MAINE
SENATE
112TH LEGISLATURE
SECOND REGULAR SESSION

SENATE AMENDMENT "C " to S.P. 958, L.D. 2400,
Bill, "AN ACT Relating to Medical and Legal Profes-
sional Liability."

Amend the Bill in section 12 in that part desig-
nated "§2852." in subsection 2, paragraph A in the
last line by inserting after the underlined word and
punctuation "regions." the following: 'If at any
time a chairman chosen under this paragraph is unable
or unwilling to serve, the chief justice shall ap-
point a replacement following the procedure in this
paragraph for the initial appointment of a chairman.'

Further amend the Bill in section 12 in that part
designated "§2852." in subsection 2 in paragraph B in
the next to the last paragraph by striking out all of
the last underlined sentence.

Further amend the Bill in section 12 in that part
designated "§2852." in subsection 3 by inserting af-
ter the first paragraph the following underlined par-
agraph:

'If the chairman is challenged for cause by any per-
son who is a party to the proceeding before a panel,
the party challenging shall notify the Chief Justice
of the Superior Court. If the chief justice finds
cause for the challenge, he shall replace the chair-
man as under subsection 2, paragraph A.'

Further amend the Bill in section 12 in that part
designated "§2852." in subsection 4 in the last line
(page 7, line 33 in L.D.) by striking out the under-
lined words and punctuation "sees fit." and inserting
in their place the following: 'deems just and reason-
able. A party may appeal the apportionment to the

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SENATE AMENDMENT "C" to S.P. 958, L.D. 2400

1 Chief Justice of the Superior Court.'

2 Further amend the Bill in section 12 in that part
3 designated "§2852." in subsection 5 in the last line
4 (page 7, line 36 in L.D.) by inserting after the un-
5 derlined word and punctuation "Judge." the follow-
6 ing: 'The chairman shall have sole authority, without
7 requiring the agreement of other panel members, to
8 issue subpoenas.'

9 Further amend the Bill in section 12 in that part
10 designated "§2853." in subsection 2 in the 5th and
11 6th lines (page 8, lines 16 and 17 in L.D.) by strik-
12 ing out the underlined word "complainant" and insert-
13 ing in its place the underlined word 'claimant'

14 Further amend the Bill in section 12 in that part
15 designated "§2853." in subsection 4 in the last line
16 (page 8, line 42 in L.D.) by striking out the under-
17 lined word "panel" and inserting in its place the un-
18 derlined word 'clerk'

19 Further amend the Bill in section 12 in that part
20 designated "§2854." in subsection 1 in the first par-
21 agraph by striking out all of the last underlined
22 sentence and inserting in its place the following:
23 'The Maine Rules of Evidence shall not apply. Evi-
24 dence shall be admitted if it is the kind of evidence
25 upon which reasonable persons are accustomed to rely
26 in the conduct of serious affairs. The panel shall
27 make such findings upon such evidence as is presented
28 at the hearing, the records and any expert opinions
29 provided by or sought by the panel or the parties.'

30 Further amend the Bill in section 12 in that part
31 designated "§2854." by striking out all of subsection
32 2 and inserting in its place the following:

33 '2. Settlement; mediation. The chairman of the
34 panel shall attempt to mediate any differences of the
35 parties before proceeding to findings.'

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SENATE AMENDMENT "C " to S.P. 958, L.D. 2400

1 Further amend the Bill in section 12 in that part
2 designated "§2856." in the 5th and 6th lines (page
3 11, lines 7 and 8 in L.D.) by striking out the under-
4 lined words "findings and the notice of claim and
5 the" and inserting in their place the following:
6 'findings, notice of claim and'

7 Further amend the Bill in section 12 in that part
8 designated "§2858." in the first paragraph in the
9 first line (page 12, line 22 in L.D.) by striking out
10 the underlined words "A finding" and inserting in
11 their place the underlined words 'A unanimous
12 finding'

13 Further amend the Bill in section 12 in that part
14 designated "§2858." in subsection 1 in the 2nd line
15 (page 12, line 25 in L.D.) by inserting after the un-
16 derlined words "If the" the following: 'unanimous'

17 Further amend the Bill in section 12 in that part
18 designated "§2858." in subsection 2 in the 2nd line
19 (page 12, line 36 in L.D.) by inserting before the
20 underlined word "findings" the underlined word
21 'unanimous'

22 Further amend the Bill in section 12 in that part
23 designated "§2859." in the 3rd line from the end
24 (page 13, line 11 in L.D.) by inserting after the un-
25 derlined word "decision" the following: ',' and in
26 the next to the last line (page 13, line 12 in L.D.)
27 by striking out the underlined word and punctuation
28 "complaint," and inserting in their place the under-
29 lined word 'complaint'

30 Further amend the Bill in section 13 in that part
31 designated "§2902." in the last paragraph in the 3rd
32 line from the end (page 14, line 2 in L.D.) by strik-
33 ing out the underlined word "present" and inserting
34 in its place the underlined word 'brought'

35 Further amend the Bill in section 16 in that part
36 designated "§2951." in subsection 2 in the 6th line

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SENATE AMENDMENT "C" to S.P. 958, L.D. 2400

1 (page 16, line 37 in L.D.) by inserting after the un-
2 derlined word "creditor" the following: ', exclusive
3 of litigation expenses,' and in the 3rd line from the
4 end (page 16, line 40 in L.D.) by striking out the
5 underlined words "exclusive of litigation expenses"

6 Further amend the Bill in section 16 in that part
7 designated "§2951." in subsection 2, paragraph D in
8 the next to the last line (page 18, line 13 in L.D.)
9 by inserting after the underlined word "damages" the
10 following: ', exclusive of unpaid damages for future
11 medical treatment,'

12 Further amend the Bill in section 17 in that part
13 designated "§2562-A." in the 11th and 12th lines
14 (page 19, lines 28 and 29 in L.D.) by striking out
15 the following: ', including the professional liability
16 related complaints'

17 Further amend the Bill in section 17 in that part
18 designated "§2562-A." by striking out all of the last
19 underlined sentence and inserting in its place the
20 following: 'Staff resources shall include an addi-
21 tional staff member to handle complaint processing
22 and licensure problems. One investigator and one at-
23 torney may be shared with the Board of Registration
24 in Medicine.'

25 Further amend the Bill in section 19 in subsec-
26 tion 15 by striking out all of the last underlined
27 sentence and inserting in its place the following:
28 'Staff resources shall include an additional staff
29 member to handle complaint processing and licensure
30 problems. One investigator and one attorney may be
31 shared with the Board of Osteopathic Examination and
32 Registration.'

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SENATE AMENDMENT "C " to S.P. 958, L.D. 2400

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STATEMENT OF FACT

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The purpose of this amendment is to correct typographical errors and clarify language and procedures.

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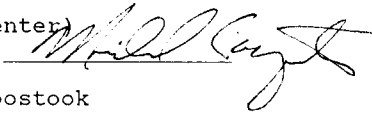
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(Sen. Carpenter)

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