

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 1430

H.P. 985

House of Representatives, April 4, 1991

Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative KILKELLY of Wiscasset.

Cosponsored by Representative JACQUES of Waterville, Representative DORE of Auburn and Representative STEVENS of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Allow Disclosure of Litigation Information in Cases That Settle.



Be it enacted by the People of the State of Maine as follows:

14 MRSA c. 13 is enacted to read:

CHAPTER 13

SUNSHINE IN LITIGATION

§271. Short title

This chapter is known and may be cited as the "Sunshine in Litigation Act."

§272. Public hazard; defined

As used in this chapter, "public hazard" means an instrumentality, including but not limited to any device, instrument, person, procedure or product or any condition of a device, instrument, person, procedure or product that has caused or is likely to cause injury.

§273. Concealing a public hazard

Except pursuant to this chapter, a court may not enter an order or judgment that has the purpose or effect of concealing a public hazard or any location concerning a public hazard, nor may the court enter an order or judgment that has the purpose or effect of concealing any information that may be useful to members of the public in protecting themselves from injury that may result from the public hazard.

§274. Agreements void

Any portion of an agreement or contract that has the purpose or effect of concealing a public hazard or any information that may be useful to the members of the public in protecting themselves from injury that may result from the public hazard is void, contrary to public policy and may not be enforced.

§275. Protection of trade secrets

Trade secrets, as defined in Title 10, section 1542, subsection 4, that are not pertinent to the public hazard are protected pursuant to Title 10, chapter 302.

§276. Standing

Any substantially affected person, including but not limited to representatives of news media, has standing to contest an order, judgment, agreement or contract that violates this section. A person may contest an order, judgment, agreement or

2 contract that violates this section by motion in the court that
3 entered the order or judgment or by bringing a declaratory
4 judgment pursuant to chapter 707.

6 §277. Examination by court

8 Upon motion and good cause shown by a party attempting to
9 prevent disclosure of information or materials that have not
10 previously been disclosed, including but not limited to alleged
11 trade secrets, the court shall examine the disputed information
12 or materials in camera. If the court finds the information or
13 materials consists of information concerning a public hazard or
14 information that may be useful to the members of the public in
15 protecting themselves from injury that may result from a public
16 hazard, the court shall allow disclosure of the information or
17 materials. In allowing disclosure, the court shall allow
18 disclosure of only that portion of the information or materials
19 necessary or useful to the public regarding the public hazard.

20 **STATEMENT OF FACT**

22
23 The purpose of this bill is to aid Maine consumers in
24 obtaining information necessary to protect their health and
25 safety. This bill prohibits courts from entering orders on
26 judgments that have the result of concealing public hazards.