

# MAINE STATE LEGISLATURE

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# 117th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1995

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Legislative Document

No. 1517

S.P. 558

In Senate, May 11, 1995

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### An Act to Create the Sunshine in Litigation Act.

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS  
Secretary of the Senate

Presented by Senator MILLS of Somerset.  
Cosponsored by Representative: RICHARDSON of Portland.

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

4 **Sec. 1. 14 MRSA c. 13** is enacted to read:

6 **CHAPTER 13**

8 **SUNSHINE IN LITIGATION**

10 **§271. Short title**

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

14 **§272. Public hazard; defined**

16 As used in this chapter, the term "public hazard" means a  
device, instrument, person, procedure, product or condition that  
18 has caused or is likely to cause injury.

20 **§273. Concealing a public hazard**

22 Except pursuant to this chapter, a court may not enter an  
order or approve an agreement that has the purpose or effect of  
24 concealing a public hazard or any information that may be useful  
to members of the public in protecting themselves from injury  
26 that may result from the public hazard, including:

28 1. Evidence. Evidence of other similar injuries, illnesses  
or legal claims;

30 2. Research findings. Records of research findings  
32 documenting potential public health hazards;

34 3. Internal documents. Internal company documents  
concerning potential public hazards; and

36 4. Governmental records. Records filed with a governmental  
38 agency.

40 **§274. Agreements void**

42 Any portion of an agreement or order that has the effect of  
concealing a public hazard is void, contrary to public policy and  
44 unenforceable.

46 **§275. Protection of trade secrets**

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

2 **§276. Standing; procedure**

4 Any substantially affected person, including but not limited  
6 to representatives of the news media, has standing to contest an  
8 order or an agreement that violates this chapter, and may either  
10 intervene in the suit in which the order is entered or bring a  
12 declaratory judgment action pursuant to chapter 707. For good  
14 cause shown, the court may conduct its review of the information  
16 by means of an in camera inspection.

18 **§277. Determination by court**

20 The court shall order the disclosure of information  
22 concerning a public hazard or information that may be useful to  
24 the members of the public in protecting themselves from injury  
26 that may result from a public hazard. The court may allow  
disclosure of only that portion of the information or materials  
necessary or useful to the public regarding the public hazard.

20 **STATEMENT OF FACT**

22 The purpose of this bill is to aid consumers of the State in  
24 obtaining information necessary to protect public health and  
26 safety. This bill prohibits courts from entering orders or  
approving agreements that conceal public hazards.