

# MAINE STATE LEGISLATURE

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DATE: June 2, 1999

(Filing No. S-381 )

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**STATE OF MAINE  
SENATE  
119TH LEGISLATURE  
FIRST REGULAR SESSION**

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to S.P. 450, L.D. 1325, Bill, "An Act to Provide Fairness to Victims of Medical Malpractice"

Amend the amendment in section 3 in subsection 1 in paragraph C in the 2nd line (page 3, line 27 in amendment) by striking out the following: "~~found~~ raised" and inserting in its place the following: 'found'

Further amend the amendment by striking out all of sections 4 and 5.

Further amend the amendment in section 6 in subsection 1 in the 2nd line (page 3, line 49 in amendment) by inserting after "section" the following: 'and section 2858'

Further amend the amendment in section 6 in subsection 1 by inserting after paragraph A the following:

'B. If the panel findings as to any question under section 2855 are unanimous and unfavorable to the person accused of professional negligence, the findings are admissible in any subsequent court action for professional negligence against that person by the claimant based on the same set of facts upon which the notice of claim was filed.'

Further amend the amendment in section 6 in subsection 1 in paragraph B in the first line (page 4, line 19 in amendment) by striking out the following: "B" and inserting in its place the following: 'C'

**SENATE AMENDMENT**

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to S.P. 450,  
L.D. 1325

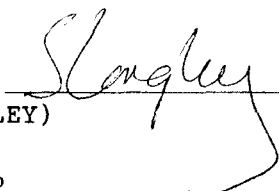
Further amend the amendment in section 6 in subsection 1 in  
paragraph B by striking out all of the last sentence (page 4,  
lines 24 and 25 in amendment)

Further amend the amendment by striking out all of section 7.

Further amend the amendment by relettering or renumbering  
any nonconsecutive Part letter or section number to read  
consecutively.

### SUMMARY

This amendment amends the comparative negligence question  
for the panel by requiring a finding of professional negligence  
before the panel considers whether the patient was also  
negligent. This amendment deletes sections 4 and 5 of the  
committee amendment, thus deleting the changes to the standard of  
proof. It adds language to retain the admissibility of all  
unanimous panel findings. It also deletes section 7 of the  
committee amendment, thus keeping in law the current provisions  
concerning the parties' actions after a unanimous panel finding.

SPONSORED BY:   
(Senator LONGLEY)

COUNTY: Waldo