

# MAINE STATE LEGISLATURE

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L.D. 1469

Date: 6/3/2013

(Filing No. S-176)

JUDICIARY

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 543, L.D. 1469, Bill, "An Act To Ensure Ethical Standards for Court Reporters"

Amend the bill in section 1 in §771 in subsection 1 in the last line (page 1, line 10 in L.D.) by inserting after the following: "transcript." the following: "Court reporter" does not include an employee of the Judicial Branch or a person transcribing legal proceedings for the Judicial Branch."

Amend the bill in section 1 in §772 in subsection 1 in paragraph A in the last line (page 1, line 32 in L.D.) by inserting after the following: "party" the following: "other than a contract to provide court reporting, litigation and trial support services"

Amend the bill in section 1 in §772 in subsection 1 by striking out all of paragraph B (page 2, lines 1 and 2 in L.D.)

Amend the bill in section 1 in §772 in subsection 1 by relettering the paragraphs to read consecutively.

Amend the bill in section 1 in §773 by striking out all of subsection 1 (page 2, lines 14 to 17 in L.D.) and inserting the following:

1. Contract. Enter into an oral or written contractual agreement with an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity that has a financial interest in the case, action or legal proceeding, other than a contract to provide court reporting, litigation and trial support services;

Amend the bill in section 1 in §773 by striking out all of subsection 5 (page 2, lines 30 to 35 in L.D.)

Amend the bill in section 1 in §773 by striking out all of subsection 7 (page 3, lines 1 to 3 in L.D.) and inserting the following:

7. Interference with services. Enter into a contract for court reporting services that allows an attorney, party to an action, insurance company or 3rd-party administrator or any other person or entity to interfere with a court reporter's right to deal directly with all parties to a proceeding, including any provision in a contract that restricts the right of the

1 court reporter to contract with the other parties in a legal proceeding to provide transcripts  
2 to those parties.'

3 Amend the bill in section 1 in §773 by renumbering the subsections to read  
4 consecutively.

5 Amend the bill in section 1 by striking out all of §778 and inserting the following:

6 **§778. Remedies**

7 **1. Motion.** A party may file a motion alleging a violation of this subchapter with the  
8 administrative body, court or administrative tribunal in which the action upon which the  
9 motion is based is pending or scheduled to be heard. A person need not commence a  
10 separate action to allege a violation of this subchapter.

11 **2. Sanction.** In addition to remedies that are otherwise available by law, an  
12 administrative body, court or administrative tribunal that receives a motion filed pursuant  
13 to this section and determines that a person violated this subchapter may refuse to admit  
14 the contested transcript and may bar the person from providing services in matters before  
15 that administrative body, court or administrative tribunal.'

16 Amend the bill in section 1 in §779 by adding at the end the following:

17 **2. Application to Judicial Branch.** This subchapter does not apply to court  
18 reporting services performed by employees of the Judicial Branch or persons transcribing  
19 legal proceedings for the Judicial Branch.'

20 **SUMMARY**

21 This amendment:

- 22 1. Clarifies that the legislation does not apply to the Judicial Branch;  
23 2. Allows contracts for more than one case;  
24 3. Deletes restrictions on preferred provider lists;  
25 4. Provides that only a party may file a motion in a pending action;  
26 5. Clarifies that this legislation does not limit authority of courts;  
27 6. Eliminates the requirement of periodic reports; and  
28 7. Eliminates the private cause of action.

FISCAL NOTE REQUIRED  
(See attached)



# 126th MAINE LEGISLATURE

LD 1469

LR 1035(02)

An Act To Ensure Ethical Standards for Court Reporters

Fiscal Note for Bill as Amended by Committee Amendment "A(S-176)"  
Committee: Judiciary  
Fiscal Note Required: Yes

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## Fiscal Note

Minor cost increase - General Fund

### Correctional and Judicial Impact Statements

Insignificant increase in caseload with no effect on fines or fees