

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 28, 1995 to December 1, 1995**

**SECOND REGULAR SESSION**  
**January 3, 1996 to April 4, 1996**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 4, 1996**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

**Sec. 5. Extension for notification of Secretary of State. Resolved:** That the deadline for the Reform Party for notifying the Secretary of State of the enrollment qualifications for voters eligible to vote in the Reform Party's primary, required pursuant to the Maine Revised Statutes, Title 21-A, section 340, subsection 1, is extended to April 27, 1996; and be it further

**Sec. 6. Extension for candidate enrollment. Resolved:** That the deadline for the enrollment of a candidate for the Reform Party in the party named in the primary petition for which the candidate seeks nomination by primary election, required pursuant to the Maine Revised Statutes, Title 21-A, section 334, is extended to April 27, 1996; and be it further

**Sec. 7. Enrollment in party. Resolved:** That a voter who filed an application to change enrollment to the Reform Party prior to January 1, 1996, and who subsequently did not withdraw that enrollment or enroll in another party is deemed to have fulfilled the requirement of the Maine Revised Statutes, Title 21-A, section 144, subsection 3, for purposes of filing a petition as a candidate in this election year.

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 5, 1996.

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## CHAPTER 75

H.P. 1210 - L.D. 1660

### Resolve, to Review the Role of the Department of Administrative and Financial Services in Approving School Construction Projects for School Administrative Units

**Sec. 1. Study group established. Resolved:** That the Commissioner of Education shall convene a study group to review and consider improvements to the current role of the Department of Administrative and Financial Services, Bureau of General Services in approving school construction projects. The following entities shall each appoint one representative to serve on the study group: the Department of Education; the Department of Administrative and Financial Services, Bureau of General Services; the Maine School Management Association; a statewide professional engineering association selected by the commissioner; and a statewide professional architectural association selected by the commissioner. Other members may be appointed at

the discretion of the commissioner. The study group shall present its report, together with any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over education and cultural affairs by December 15, 1996. Members of the study group must participate at their own expense.

See title page for effective date.

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## CHAPTER 76

H.P. 1257 - L.D. 1729

### Resolve, to Require the Study of the Medical Liability Prelitigation Screening Panels

**Emergency preamble. Whereas,** Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** analysis of existing data on the use of mandatory prelitigation screening and mediation panels is necessary in order for the Legislature to make informed decisions regarding the panel process; and

**Whereas,** compilation of that data must begin promptly so that a qualified researcher can analyze the data and make recommendations on future data collection to the First Regular Session of the 118th Legislature; and

**Whereas,** in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

**Sec. 1. Data assembly. Resolved:** That the Bureau of Insurance shall collect and compile data related to the number and disposition of malpractice claims over the past 5 calendar years from the records of the Bureau of Insurance and, if necessary, the records of medical malpractice insurers. The Bureau of Insurance, referred to in this resolve as "the bureau," shall request that the Chief Justice of the Superior Court assist in providing data or access to data concerning the use of mandatory prelitigation and mediation screening panels and the final disposition of cases over the same period. The bureau is authorized to collect this data notwithstanding any applicable confidentiality provisions in the Maine Revised Statutes, Title 24, sections 2853 and 2857. The bureau shall compile this data into a summary report; and be it further

**Sec. 2. Study; future data collection.**

**Resolved:** That the Superintendent of Insurance shall retain a research consultant to analyze the data compiled under section 1 of this resolve and to make recommendations for the collection of data for future study.

**1. Study.** The research consultant shall use the data compiled by the bureau under section 1 of this resolve as the basis for a study on the effectiveness of the prelitigation screening panel process required by the Maine Health Security Act. The results of this study and the summary report prepared by the bureau must be submitted to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 15, 1997.

**2. Subject.** To the extent possible, but subject ultimately to the discretion of the bureau, this study must, without limitation, measure whether the prelitigation screening panel process:

- A. Effectively promotes early recovery for those injured by professional negligence;
- B. Effectively promotes early withdrawal or dismissal of nonmeritorious claims;
- C. Reduces the value of recovery or impairs access to recovery for meritorious claimants; and
- D. Has an impact on the cost of health care or medical liability insurance.

**3. Additional data and future study design.** In addition, the research consultant shall provide a written report to the bureau by March 1, 1997 containing recommendations for the collection of data to be used for future analysis of the effectiveness of the panels. These recommendations may involve changes to the confidentiality provisions regarding panel proceedings, requiring the parties to submit additional information and other changes necessary for collecting data relevant to the effectiveness of the panels. The bureau shall draft the legislation necessary to implement the consultant's recommendations. The bureau shall submit copies of the consultant's report and the necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by March 15, 1997.

**4. Confidentiality.** Notwithstanding the Maine Revised Statutes, Title 24, sections 2853 and 2857, the research consultant may review any pleadings, findings, writings, statements, evidence or discovery retained by the Superior Court. The research consultant may also review any information received by the bureau under Title 24, chapter 21, subchapter II and data collected by the bureau pursuant to section 1 of this resolve. The research consultant may not disclose

any information that directly or indirectly identifies or permits identification of the provider or the claimant. The bureau shall ensure that the research consultant has an established protocol for maintaining the confidentiality of all information obtained in the course of developing the study design. The research consultant may not review or retain any confidential information after March 1, 1997; and be it further

**Sec. 3. Advisory committee. Resolved:**

That the Superintendent of Insurance shall convene an advisory committee made up of interested parties including, but not limited to, representatives of consumer, medical and legal interest groups and medical malpractice insurers to provide advice on the subject of the study and the data requirements for future study. Members of the advisory committee serve without compensation and are not entitled to reimbursement for expenses; and be it further

**Sec. 4. Allocation. Resolved:** That the following funds are allocated from the Insurance Regulatory Fund to carry out the purposes of this resolve.

1996-97

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Bureau of Insurance**

All Other	\$35,000
Allocates funds for the costs of privately contracting for a study on the effectiveness of medical liability prelitigation screening panels.	

**Emergency clause.** In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 8, 1996.

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**CHAPTER 77**

**H.P. 1369 - L.D. 1878**

**Resolve, to Amend the 1995 Kennebec County Budget**

**Emergency preamble.** Whereas, Acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and