

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.

J.S. McCarthy Company
Augusta, Maine
1995

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.

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

Whereas, it is necessary to amend last year's budget resolve for Kennebec County to account for reimbursements that exceeded budgeted amounts for housing state and federal prisoners, and for associated costs that exceeded budgeted amounts; and

Whereas, it is necessary to restore balance in the county budget and make funds available to pay the costs incurred; 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. Resolve 1995, c. 57, §2, APPROPRIATION ACCOUNT NUMBER 1050, amended. Resolved: That Resolve 1995, c. 57, §2, APPROPRIATION ACCOUNT NUMBER 1050 is amended to read:

1050 - Jail		
Personal Services		1,559,139
Contractual Services	452,383	<u>472,383</u>
Commodities	221,600	<u>249,272</u>
Capital Expenditures		6,600

; and be it further

Sec. 2. Resolve 1995, c. 57, §2, TOTAL GENERAL FUND. Resolved: That Resolve 1995, c. 57, §2, TOTAL GENERAL FUND is amended to read:

TOTAL GENERAL FUND	\$6,405,019	<u>\$6,452,691</u>
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; and be it further

Sec. 3. Resolve 1995, c. 57, §3. Resolved: That Resolve 1995, c. 57, §3 is amended to read:

Sec. 3. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1995. The following is a summary of revenues and appropriations:

Total Appropriations	\$6,405,019	<u>\$6,452,691</u>
Available Credits:		
Estimated Revenue	\$1,094,500	
Community Corrections	324,659	<u>372,331</u>
Surplus Transfer	360,000	
Total Available Credits	\$1,779,159	<u>\$1,826,831</u>
Amount to be Raised by Taxation		<u>\$4,625,860</u>

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

Effective April 8, 1996.

CHAPTER 78

H.P. 1050 - L.D. 1469

Resolve, Directing the Commissioner of Agriculture, Food and Rural Resources to Research the Reinstatement of a State-operated Meat Inspection Program

Sec. 1. Report. Resolved: That, the Commissioner of Agriculture, Food and Rural Resources shall perform the following tasks related to a state meat inspection program and report findings to the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters by February 1, 1997:

1. Appoint the members of a state meat inspection advisory committee to advise the commissioner on the accomplishment of tasks described under subsections 2, 3, 4 and 5. The state meat inspection advisory committee consists of the following 9 members: 3 members who are producers of livestock, 2 members who are representatives of meat processors, 2 members who are representatives of livestock producer organizations, one member who sells meat on the wholesale or retail market and one member who is a consumer. Members serve without compensation;
2. Develop for custom meat processors in this State a hazard analysis critical control point manual that complies with United States Department of Agriculture standards;
3. Develop legislation to establish a hazard analysis critical control point program for meat inspection in this State;
4. Determine the feasibility and criteria for a hazard analysis critical control point pilot project;
5. Negotiate with the United States Department of Agriculture to establish a hazard analysis critical control point pilot project for meat inspection in this State; and
6. Conduct the study to the extent possible within its existing budgeted resources.

See title page for effective date.
