

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

of that jurisdiction is not ineffective in this State due to noncompliance with the laws of this State.

Sec. 4. 18-A MRSA §5-802, sub-§(h), as enacted by PL 1995, c. 378, Pt. A, §1, is amended to read:

(h) An advance health-care directive is valid for purposes of this Part if it complies with this Part, regardless of when or where executed or communicated, or if valid under the laws of the state in which it was executed. An advance health-care directive that is valid where executed or communicated is valid for the purposes of this Part.

See title page for effective date.

CHAPTER 285

S.P. 63 - L.D. 157

An Act Concerning the Disclosure of Juror Information

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

Sec. 1. 14 MRSA §1254-A, as amended by PL 1983, c. 202, §3, is further amended to read:

§1254-A. Qualification questionnaire; juror selection

1. Procedure. The clerk shall, at times ~~deemed~~ considered reasonable and necessary to promote the efficient operation of the court and the juror selection system, mail a juror qualification form to every prospective juror whose name has been drawn in accordance with section 1253-A. The form ~~shall~~ must be accompanied by instructions directing the prospective juror to fill out and return the form by mail to the clerk within the time specified. The clerk shall prepare or cause to be prepared a list of the names to whom questionnaires are mailed. ~~Neither the~~ The list of questionnaire recipients ~~nor~~ and the names drawn are confidential and may not be disclosed to any person, except as provided in this chapter.

2. Content. The juror qualification form ~~shall~~ must conform, in form and content, to the qualification form prescribed by the Supreme Judicial Court and ~~shall~~ must solicit information sufficient to determine the prospective juror's qualification for jury service. The qualification questionnaire may also solicit other information including, but not limited to, education and employment.

3. Ambiguous or erroneous responses. If it appears there is an omission, ambiguity or error in a returned form, the clerk may, at ~~his~~ the clerk's

discretion, contact the prospective juror by telephone to obtain the additional information, clarification or correction.

4. Failure to complete form; penalty. A prospective juror, who fails to return a completed juror qualification form as instructed, may be ordered by the court to appear and show cause why ~~he~~ the prospective juror should not be held in contempt for ~~his~~ the failure to complete and submit the questionnaire. Notwithstanding Title 17-A, section 4-A, a prospective juror, who fails to show good cause for ~~his~~ the failure to complete and submit the questionnaire or who without good cause fails to appear pursuant to a court order, may be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

5. Intentional misrepresentation. Notwithstanding Title 17-A, section 4-A, a person, who intentionally misrepresents a material fact on a juror qualification form for the purpose of avoiding or securing service as a juror, may upon conviction for a violation of this section be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

6. Determination of qualification. The clerk shall determine on the basis of information provided on the juror qualification form, supplemented by other competent evidence when ~~deemed~~ considered necessary to such determination, whether the prospective juror is qualified for jury service. This determination ~~shall~~ must be reflected on the juror qualification form or any other record designated by the court.

7. Availability of qualification forms. The names of prospective jurors and the contents of juror qualification forms ~~shall be made available to the public upon specific request to the court, supported by an affidavit setting forth the reasons therefor, unless the court determines in any instance that this information in the interest of justice should be kept confidential or its use limited in whole or in part~~ are confidential and may not be disclosed except as provided in this chapter. The names of prospective jurors and the contents of juror qualification forms may at the discretion of the court be made available to the attorneys and their agents and investigators and the pro se parties at the courthouse for use in the conduct of voir dire examination.

8. During period of service. During the period of service of jurors and prospective jurors, the names of the members of the jury pool are confidential and may not be disclosed except to the attorneys and their agents and investigators and the pro se parties.

9. Protection of confidentiality. A person who has access to or receives information or a record designated confidential under this chapter shall

maintain the confidentiality of the information or record and use it only for the purposes for which it was released and may not further disclose it except as authorized by the court at the time of the disclosure to that person.

Sec. 2. 14 MRSA §1254-B, sub-§2, as enacted by PL 1981, c. 705, Pt. G, §14, is amended to read:

2. Records' confidentiality. ~~The contents of any records or lists and information used in connection with the selection process are confidential and not made public under any other provision of this chapter shall may not be disclosed, except in connection with the preparation or presentation of a motion under section 1214, until all persons selected to serve as grand jurors or traverse jurors from those lists have been discharged as provided in this chapter.~~

Sec. 3. 14 MRSA §1254-B, sub-§3 is enacted to read:

3. Exceptions to confidentiality. Once the period of juror service has expired, a person seeking the names of the jurors may file with the court a written request for disclosure of the names of the jurors. The request must be accompanied by an affidavit stating the basis for the request. The court may disclose the names of the jurors only if the court determines that the disclosure is in the interests of justice. The factors the court may consider in determining if the disclosure is in the interests of justice include, but are not limited to, encouraging candid responses from prospective jurors, the safety and privacy interests of prospective jurors and the interests of the media and the public in ensuring that trials are conducted ethically and without bias.

See title page for effective date.

CHAPTER 286

S.P. 534 - L.D. 1539

An Act Pertaining to Reporting of Prescription Drug Advertising Costs

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

Sec. 1. 22 MRSA §2698-A, sub-§§3, 4 and 6, as amended by PL 2003, c. 688, Pt. C, §8, are further amended to read:

3. Manner of reporting. Beginning in 2006 2007, by July 1st each year, a manufacturer or labeler of prescription drugs that directly or indirectly distributes prescription drugs for dispensation to residents of this State shall file a report with the

department in the form and manner provided by the department. The report must be accompanied by payment of a fee, as set by the department in rule, to support the work of the department under this section.

4. Content of annual report by manufacturer or labeler. The annual report filed under subsection 3 must include the following information for each calendar year, beginning with calendar year 2005 2006, as it pertains to marketing activities conducted within this State in a form that provides the value, nature, purpose and recipient of the expense:

A. All expenses associated with advertising, marketing and direct promotion of prescription drugs through radio, television, magazines, newspapers, direct mail and telephone communications as they pertain to residents of this State, except for expenses associated with advertising purchased for a regional or national market that includes advertising within the State;

B. With regard to all persons and entities licensed to provide health care in this State, including health care professionals and persons employed by them in this State, carriers licensed under Title 24 or Title 24-A, health plans and benefits managers, pharmacies, hospitals, nursing facilities, clinics and other entities licensed to provide health care under this Title, the following information:

- (1) All expenses associated with educational or informational programs, materials and seminars and remuneration for promoting or participating in educational or informational sessions, regardless of whether the manufacturer or labeler provides the educational or informational sessions or materials;
- (2) All expenses associated with food, entertainment, gifts valued at more than \$25 and anything provided to a health care professional for less than market value;
- (3) All expenses associated with trips and travel; and
- (4) All expenses associated with product samples, except for samples that will be distributed free of charge to patients; and

C. The aggregate cost of all employees or contractors of the manufacturer or labeler who directly or indirectly engage in the advertising or promotional activities listed in paragraphs A and B, including all forms of payment to those employees. The cost reported under this paragraph must reflect only that portion of payment to employees or contractors that pertains to activities