

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

adjoining farmland in the same ownership or under the same management.

See title page for effective date.

CHAPTER 179

H.P. 738 - L.D. 1071

An Act To Add a Member to the Advisory Council on Health Systems Development

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

Sec. 1. 2 MRSA §104, sub-§1-A, as enacted by PL 2007, c. 441, §1, is amended to read:

1-A. Appointment; composition. The Advisory Council on Health Systems Development, established in Title 5, section 12004-I, subsection 31-A and referred to in this section as "the council," consists of ~~49~~ 20 members appointed pursuant to this subsection.

A. The Governor shall appoint ~~44~~ 15 members with the approval of the joint standing committee of the Legislature having jurisdiction over health and human services matters:

- (1) Two individuals with expertise in health care delivery, one of whom represents hospitals;
- (2) One individual with expertise in long-term care;
- (3) One individual with expertise in mental health;
- (4) One individual with expertise in public health care financing;
- (5) One individual with expertise in private health care financing;
- (6) One individual with expertise in health care quality;
- (7) One individual with expertise in public health;
- (8) Two representatives of consumers;
- (9) One individual with expertise in the insurance industry;
- (10) Two individuals with expertise in business, one representing a business or businesses with fewer than 50 employees; ~~and~~
- (11) One representative of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that works collaboratively with other organiza-

tions to improve the health of the citizens of this State; ~~and~~

(12) One individual with expertise in health disparities and representing the State's racial and ethnic minority communities.

Prior to making appointments to the council, the Governor shall seek nominations from the public, from statewide associations representing hospitals, physicians and consumers and from individuals and organizations with expertise in health care delivery systems, health care financing, health care quality and public health.

B. Five members of the council must be members of the Legislature who serve on the joint standing committee of the Legislature having jurisdiction over health and human services matters or the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters:

- (1) Two members of the Senate, appointed by the President of the Senate, including one member recommended by the Senate Minority Leader; and
- (2) Three members of the House of Representatives appointed by the Speaker of the House, including one member recommended by the House Minority Leader.

See title page for effective date.

CHAPTER 180

H.P. 316 - L.D. 428

An Act To Amend the Laws Concerning Wrongful Death

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

Sec. 1. 18-A MRSA §2-804, sub-§(b), as amended by PL 2007, c. 280, §1, is further amended to read:

(b). Every ~~such wrongful death~~ action must be brought by and in the name of the personal representative of the deceased person, ~~and the~~ The amount recovered in every ~~such wrongful death~~ action, except as otherwise provided, is for the exclusive benefit of the surviving spouse if no minor children, ~~and~~ of the children if no surviving spouse, ~~and~~ one-half for the exclusive benefit of the surviving spouse and one-half for the exclusive benefit of the minor children to be divided equally among them if there are both surviving spouse and minor children; and to the deceased's heirs to be distributed as provided in section 2-106 if there is neither surviving spouse nor minor children. The jury may give ~~such~~ damages as it determines a fair and

just compensation with reference to the pecuniary injuries resulting from the death ~~to the persons for whose benefit the action is brought~~ and in addition shall give such damages as that will compensate the estate of the deceased person for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses, ~~and in addition, the jury may give damages not exceeding \$500,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought, and in addition, The jury may also give punitive damages not exceeding \$75,000, provided that the action is \$250,000.~~ An action under this section must be commenced within 2 years after the decedent's death. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. No A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

CHAPTER 181

H.P. 260 - L.D. 324

An Act To Allow Limited Information Sharing in Domestic Violence Cases

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

Sec. 1. 16 MRSA §614, sub-§3, ¶C, as amended by PL 2003, c. 402, §1, is further amended to read:

C. An accused person or that person's agent or attorney if authorized by:

- (1) The district attorney for the district in which that accused person is to be tried;
- (2) A rule or ruling of a court of this State or of the United States; or
- (3) The Attorney General; or

Sec. 2. 16 MRSA §614, sub-§3, ¶D, as enacted by PL 2003, c. 402, §2, is amended to read:

D. A victim or victim's agent or attorney, subject to reasonable limitations to protect the interest described in subsection 1-; or

Sec. 3. 16 MRSA §614, sub-§3, ¶E is enacted to read:

E. An advocate, as defined in section 53-B, subsection 1, paragraph A, with a specific agreement

with a criminal justice agency and subject to reasonable limitations to protect the interests described in subsection 1. An agreement between an advocate and a criminal justice agency must, at a minimum, include provisions that:

(1) Permit the advocate to use reports or records that contain intelligence and investigative information for the purpose of planning for the safety of the victim named in the reports;

(2) Prohibit the advocate from further disseminating reports or records that contain intelligence and investigative information;

(3) Require the advocate to ensure that reports or records that contain intelligence and investigative information remain secure and confidential;

(4) Require the advocate to destroy reports or records that contain intelligence and investigative information within 30 days after receiving the report or record;

(5) Permit the criminal justice agency to perform reasonable and appropriate audits in order to ensure that records containing intelligence and investigative information that are obtained by and that are in the custody of the advocate are maintained in accordance with the requirements of this paragraph;

(6) Require the advocate to indemnify and hold harmless the criminal justice agency with respect to any litigation that may result from the provision of reports or records that contain intelligence and investigative information;

(7) Permit the criminal justice agency to immediately and unilaterally revoke an agreement made pursuant to this paragraph; and

(8) Provide sanctions for any violations of this paragraph.

The Commissioner of Public Safety may adopt a model policy to standardize the provisions contemplated in this paragraph.

Sec. 4. 16 MRSA §614, sub-§4 is enacted to read:

4. Unlawful dissemination of reports or records that contain intelligence and investigative information. A person that intentionally disseminates a report or record that contains intelligence and investigative information in violation of this section commits a Class E crime.

See title page for effective date.