

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

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.