

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

See title page for effective date.

CHAPTER 158

S.P. 561 - L.D. 1500

An Act Regarding the Cost of Copies of Medical Records

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

Sec. 1. 22 MRSA §1711, 5th ¶, as amended by PL 2013, c. 32, §1, is further amended to read:

Reasonable costs incurred by the hospital in making and providing paper copies of medical records and additions to medical records ~~must be borne by~~ may be assessed as charges to the requesting person and the hospital may require payment prior to responding to the request. The charge for paper copies of records may not exceed \$5 for the first page and ~~35¢~~ 45¢ for each additional page, up to a maximum of \$250 for the entire medical record.

Sec. 2. 22 MRSA §1711, as amended by PL 2013, c. 32, §1, is further amended by adding after the 5th paragraph a new paragraph to read:

If a medical record exists in a digital or electronic format, the hospital shall provide an electronic copy of the medical record if an electronic copy is requested and it is reasonably possible to provide it. The hospital may assess as charges reasonable actual costs of staff time to create or copy the medical record and the costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the costs of new technology, maintenance of the electronic record system, data access or storage infrastructure. Charges assessed under this paragraph may not exceed \$150.

Sec. 3. 22 MRSA §1711-A, as amended by PL 2013, c. 32, §2, is further amended to read:

§1711-A. Fees charged for records

Whenever a health care practitioner defined in section 1711-B furnishes in paper form requested copies of a patient's treatment record or a medical report or an addition to a treatment record or medical report to the patient or the patient's authorized representative, the charge for the copies or the report may not exceed the reasonable costs incurred by the health care practitioner in making and providing the copies or the report. The charge for the copies of records or the report may not exceed \$5 for the first page and ~~35¢~~ 45¢ for each additional page, up to a maximum of \$250 for the entire treatment record or medical report.

If a treatment record or medical report exists in a digital or electronic format, the health care practitioner shall provide an electronic copy of the treatment record or medical report if an electronic copy is requested and it is reasonably possible to provide it. The health care practitioner may assess as charges reasonable actual costs of staff time to create or copy the treatment record or medical report and the costs of necessary supplies and postage. Actual costs may not include a retrieval fee or the costs of new technology, maintenance of the electronic record system, data access or storage infrastructure. Charges assessed under this paragraph may not exceed \$150.

See title page for effective date.

CHAPTER 159

H.P. 603 - L.D. 852

An Act To Amend Certain Provisions of Law Affecting the Judicial Branch

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

Sec. 1. 4 MRSA §17-A, as enacted by PL 1993, c. 172, §1, is amended to read:

§17-A. Publications and technology

1. Informational publications. The State Court Administrator may establish a fee schedule to cover the cost of printing and distribution of publications and forms and the procedures for the sale of these publications and forms.

2. Fund; fees deposited. All fees collected under this section from the sale of publications or forms must be deposited in a fund for use by the State Court Administrator to ~~replace and update publications and forms and to fund new publications, forms and information technology.~~

Sec. 2. 4 MRSA §153, first ¶, as amended by PL 2005, c. 397, Pt. C, §4 and affected by §8, is further amended to read:

The State is divided into ~~28~~ judicial divisions, named and defined as follows, and with places for holding court in those divisions as follows:

Sec. 3. 4 MRSA §153, sub-§19 is repealed.

Sec. 4. 4 MRSA §153, sub-§19-A is enacted to read:

19-A. Northern and Central Penobscot. Northern and Central Penobscot consists of the municipalities and unorganized territory of Hopkins Academy Grant Township, Long A Township, Medway, TA R7 WELS, Burlington, Edinburg, Lakeville, Lagrange, Lowell, Passadumkeag, Twombly, Puka-

kon Township and all municipalities and unorganized territory in Penobscot County lying to the north of these. The District Court for Northern and Central Penobscot must be held at Millinocket and Lincoln. The Chief Judge shall determine the level of service at each location.

Sec. 5. 4 MRSA §153, sub-§20 is repealed.

Sec. 6. 4 MRSA §183, sub-§1, ¶H is enacted to read:

H. The Chief Judge of the District Court may employ a retired family law magistrate to serve on a per diem basis as an active retired family law magistrate. An active retired family law magistrate employed pursuant to this paragraph has the same jurisdiction and is subject to the same restrictions as before retirement. An active retired family law magistrate serves at the direction of the Chief Judge of the District Court and is compensated at the per diem rate of \$250 per day or \$150 per half-day, as long as the total of the per diem compensation and the active retired family law magistrate's state retirement pension received in any calendar year does not exceed the annual salary of a family law magistrate. Active retired family law magistrates are entitled to receive reimbursement for any expenses actually and reasonably incurred in the performance of their duties.

Sec. 7. 4 MRSA §183, sub-§3, as amended by PL 2005, c. 384, §1, is further amended to read:

3. Reports. The State Court Administrator shall keep statistical records relating to the cases handled by the Family Division and report this information to the Supreme Judicial Court annually and to the joint standing committee of the Legislature having jurisdiction over judiciary matters by ~~January~~ February 15th of each odd-numbered calendar year.

A. The State Court Administrator shall evaluate the functioning of the family law magistrates in providing a system of justice that is responsive to the needs of families and the support of their children in light of the jurisdiction given to the family law magistrates under this section. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than January 15, 1999 with recommendations, if any, for changing the duties provided in subsection 1, paragraph D.

B. The State Court Administrator shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 1999 explaining the justification for the particular geographic assignments of the family law magistrates.

Sec. 8. 4 MRSA §423, first ¶, as enacted by PL 1999, c. 780, §1, is amended to read:

The Judicial Department shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by ~~January 15, 2002 and February 15th~~ annually ~~thereafter~~ on the establishment and operation of alcohol and drug treatment programs in the courts. The report must cover at least the following:

Sec. 9. 4 MRSA §454, 2nd ¶, as amended by PL 1997, c. 134, §6, is further amended to read:

~~The~~ When sufficient funding is allocated by the Legislature, the institute shall meet ~~at least once every 3 years~~, at the call of the Chief Justice of the Supreme Judicial Court, for a 2-day period to discuss recommendations for changes in the sentencing authority and policies of the State's criminal and juvenile courts, in response to current law enforcement problems and the available alternatives for criminal and juvenile rehabilitation within the State's correctional system. Inasmuch as possible the deliberations of the institute must be open to the general public.

Sec. 10. 4 MRSA §1802, sub-§1-A is enacted to read:

1-A. Appellate counsel. "Appellate counsel" means an attorney who is entitled to payment under Title 15, section 2115-A, subsection 8 or 9.

Sec. 11. 4 MRSA §1804, sub-§3, ¶I, as enacted by PL 2009, c. 419, §2, is amended to read:

I. Approve and submit a biennial budget request to the Department of Administrative and Financial Services, Bureau of the Budget, including supplemental budget requests as necessary; ~~and~~

Sec. 12. 4 MRSA §1804, sub-§3, ¶J, as repealed and replaced by PL 2011, c. 141, §1, is amended to read:

J. Develop an administrative review and appeal process for attorneys who are aggrieved by a decision of the executive director, or the executive director's designee, determining:

(1) Whether an attorney meets the minimum eligibility requirements to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements;

(2) Whether an attorney previously found eligible is no longer eligible to receive assignments or to receive assignments in specialized case types pursuant to any commission rule setting forth eligibility requirements; and

(3) Whether to grant or withhold a waiver of the eligibility requirements set forth in any commission rule.

All decisions of the commission, including decisions on appeals under subparagraphs (1), (2) and (3), constitute final agency action. All decisions of the executive director, or the executive director's designee, other than decisions appealable under subparagraphs (1), (2) and (3), constitute final agency action; and

Sec. 13. 4 MRSA §1804, sub-§3, ¶K is enacted to read:

K. Pay appellate counsel.

Sec. 14. 15 MRSA §2115-A, sub-§8, as amended by PL 1979, c. 663, §110, is further amended to read:

8. **Fees and costs.** The Law Court shall allow ~~reasonable~~ counsel fees and costs for the defense of appeals under this section, to be paid by the Maine Commission on Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

Sec. 15. 15 MRSA §2115-A, sub-§9, as enacted by PL 1987, c. 461, is amended to read:

9. **Appeals to Federal Court; fees and costs.** The Law Court shall allow ~~reasonable attorneys attorney's~~ fees for court appointed counsel when the State appeals a judgment to any Federal Court or to the United States Supreme Court on certiorari. Any fees allowed pursuant to this subsection ~~shall~~ must be paid out of the accounts of the ~~Judicial Department~~ Maine Commission on Indigent Legal Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

See title page for effective date.

CHAPTER 160

H.P. 167 - L.D. 206

An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials

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

Whereas, liens and other encumbrances without a legal basis have been filed against property of public employees and public officials; 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 enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA c. 755 is enacted to read:

CHAPTER 755

ACTIONS FOR FILING FALSE RECORDABLE INSTRUMENTS AGAINST PUBLIC EMPLOYEES AND PUBLIC OFFICIALS

§8601. Actions by public employees and public officials for recordable instruments filed without a legal basis

1. **Definitions.** As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Public employee" means a person employed by the State, a county, a municipality or any entity identified in statute as a public instrumentality.

B. "Public official" means a person elected or appointed to a public office.

C. "Recordable instrument" means any lien or encumbrance, the false filing of which is identified as a crime under Title 17-A, section 706-A.

2. **Expedited process for a court to review the filing of recordable instruments.** This subsection governs the procedure by which a public employee or public official may dispute the filing of a recordable instrument at a registry of deeds.

A. A public employee or public official who asserts that a recordable instrument was filed against property of the public employee or public official by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties may file, at any time, a motion for a judicial declaration that the recordable instrument is without a legal basis. The motion may be filed in the Superior Court in the county where the public employee or public official resides. The motion must be supported by a signed and notarized affidavit of the moving party setting forth a concise statement of the facts upon which the claim for relief is based.