

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*Second Regular Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*July 2006*

**Members:**

*Sen. Barry J. Hobbins, Chair*

*Sen. Lynn Bromley*

*Sen. David R. Hastings III*

*Rep. Deborah L. Simpson, Chair*

*Rep. Sean Faircloth*

*Rep. Stan Gerzofsky*

*Rep. Marilyn E. Canavan*

*Rep. Mark E. Bryant*

*Rep. Michael Edward Dunn*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Joan Bryant-Deschenes*

*Rep. Joan M. Nass*

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# Maine State Legislature



## Office of Policy and Legal Analysis Office of Fiscal and Program Review

### 122nd Maine Legislature Second Regular Session

#### Summary of Legislation Before The Joint Standing Committees

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is arranged alphabetically by committee name and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet ([www.state.me.us/legis/opla/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP.....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED (Pocket Veto).....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is August 23, 2006.

## Joint Standing Committee on Judiciary

**LD 2034**

**An Act Relating to Mergers and Consolidations of Corporations  
without Capital Stock**

**PUBLIC 531  
EMERGENCY**

<u>Sponsor(s)</u> CUMMINGS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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LD 2034 proposed to clarify that a corporation without capital stock formed under the Maine Revised Statutes, Title 13 may merge or consolidate with or into a nonprofit corporation formed under Title 13-B.

### *Enacted law summary*

Public Law 2005, chapter 531 clarifies that a corporation without capital stock formed under the Maine Revised Statutes, Title 13 may merge or consolidate with or into a nonprofit corporation formed under Title 13-B.

Public Law 2005, chapter 531 was enacted as an emergency measure effective April 4, 2006.

**LD 2036**

**An Act To Facilitate the Hiring of Health Care Personnel during  
Emergency Circumstances**

**PUBLIC 630**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-615
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LD 2036 proposed to grant private institutions that hire or engage the services of licensed health care workers immunity from civil liability in the event of a declared health emergency, an extreme public health emergency or a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including, but not limited to, negligent hiring, credentialing or privileging, for services provided within the scope of such licensure.

**Committee Amendment “A” (S-615)** proposed several changes.

It proposed to delete from the extension of the immunity provided in the bill actions taken pursuant to the declaration of a health emergency declared by the Commissioner of Health and Human Services.

It proposed to require private institutions, such as hospitals, to first check for information about a health care worker with the appropriate licensing board within or affiliated with the Department of Professional and Financial Regulation. It also proposed to extend the immunity provided in the bill to private institutions that rely on the information provided by occupational and professional licensing boards that are within or affiliated with the Department of Professional and Financial Regulation.

It proposed to extend immunity provided in the bill to private institutions that rely on a registry that is operated or certified in accordance with federal requirements.

It proposed to delete from the bill the private institution's immunity when relying on an individual's own representation of status, preemployment screening or privileging review.

## Joint Standing Committee on Judiciary

It proposed to require that the licensing credentials confirmation process start within 48 hours of the end of the declared emergency or disaster.

It proposed to provide that a person licensed as a health care worker in the State is eligible for civil immunity and workers' compensation insurance coverage during the period the person engages in either an in-state or out-of-state emergency management response under the direction of the Maine Emergency Management Agency.

### *Enacted law summary*

Public Law 2005, chapter 630 grants private institutions that hire or engage the services of licensed health care workers immunity from civil liability in the event of an extreme public health emergency or a disaster for any actions arising from allegations of inadequate investigation prior to their engagement, including, but not limited to, negligent hiring, credentialing or privileging, for services provided within the scope of such licensure. The private institutions must follow certain procedures in obtaining information about the health care worker in order to receive the immunity. Chapter 630 provides that a person licensed as a health care worker in the State is eligible for civil immunity and workers' compensation insurance coverage during the period the person engages in either an in-state or out-of-state emergency management response under the direction of the Maine Emergency Management Agency.

**LD 2055**

**An Act To Correct Errors and Inconsistencies in the Laws of  
Maine**

**PUBLIC 683  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1085 H-1101 SIMPSON H-1102 SIMPSON H-1103 SIMPSON H-1110 SIMPSON H-1111 SIMPSON H-1112 SIMPSON H-1118 SIMPSON H-1119 SIMPSON

LD 2055 proposed to correct technical errors and inconsistencies in Maine laws.

**Committee Amendment "A" (H-1085)** proposed to strike several sections from the bill, and add additional changes. Part B proposed technical corrections; Parts C, D and E proposed changes that are or could be considered substantive changes.

**House Amendment "A" to Committee Amendment "A" (H-1089)** proposed that a person may provide athletic training to an athlete as long as the person does not use the title "athletic trainer" alone or in connection with other words or the initials "AT" alone or in connection with other initials. (Not adopted)

**House Amendment "B" to Committee Amendment "A" (H-1101)** proposed to authorize school administrative units to expend state funds provided for new minimum teacher salaries and for salary supplements for national