

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2009

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STATE OF MAINE

124TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 124th Maine Legislature.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Judiciary

LD 1192 **An Act To Change the Statute of Limitations for Health Care Practitioners**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	ONTP	

This bill provides a statute of limitations for actions for professional negligence regarding health care providers and health care practitioners of three years after the negligence is discovered but in no event more than six years after the cause of action accrues.

LD 1199 **An Act To Implement the Recommendations of the Right To Know Advisory Committee**

**PUBLIC 240
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-314

This bill implements the recommendations of the Right To Know Advisory Committee.

Committee Amendment "A" (H-314)

This amendment adds a section to repeal the sunset on the Public Access Division and the Public Access Ombudsman within the Department of the Attorney General. It adds an emergency preamble and emergency clause to make the bill as amended take effect in time to repeal the sunset. This amendment deletes the section of the bill addressing the confidentiality of credentialing decisions concerning education personnel.

Enacted Law Summary

Public Law 2009, chapter 240 includes the 2009 recommendations of the Right o Know Advisory Committee. Chapter 240 makes technical changes to the Maine Revised Statutes, Title 1, chapter 13. Chapter 240 also makes changes to several exceptions related to records maintained by the Department of Marine Resources to add a definition of "proprietary information" and use statutory language consistent with Title 12, section 6173-A. It also requires an aquaculture lessee to submit an annual seeding and harvesting report. The entire report is considered proprietary information and not public, but the Department of Marine Resources shall provide a copy of the report upon request to the municipalities in which or adjacent to which the lease is located. Chapter 240 also provides that confidential aquaculture monitoring program information may not be disclosed in a manner or form that permits identification of any person or vessel, except as required by court order or when otherwise specifically permitted. Chapter 240 repeals the sunset on the Public Access Division and the Public Access Ombudsman within the Department of the Attorney General.

Public Law 2009, chapter 240 was enacted as an emergency measure effective June 2, 2009.