

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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:

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

The effective date for non-emergency legislation enacted in the Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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 1738 An Act To Establish a Duty To Report Serious Injuries

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEOD RAYE	ONTP MAJ OTP-AM MIN	

This bill requires a person who observes that another person has received a serious injury to immediately report that injury to and request first aid by the quickest means of communication available from a police department, emergency dispatch center, licensed medical facility or licensed medical provider.

Committee Amendment "A" (H-733)

This amendment is the minority report of the committee and replaces the bill. It creates a new civil violation focused on the knowing or intentional failure to report and request first aid for another person who has suffered serious bodily injury. The duty applies regardless of whether the injury was self-inflicted or caused intentionally, recklessly, negligently or accidentally. It does not impose a duty to provide first aid or other medical treatment. The duty is satisfied if another person has already made or agreed to make the report and request for first aid. The duty applies unless making the report and the request for first aid would create danger or peril to the person making the report or others. The creation of the duty does not create a civil cause of action for failing to comply with the duty.

This amendment was not adopted.

LD 1791 Resolve, Directing the Right To Know Advisory Committee To Further Examine Requirements That Public Bodies Keep Records of Public Proceedings

RESOLVE 186

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-734 S-476 BLISS

This bill is a recommendation of a majority of the Right To Know Advisory Committee as described in its Fourth Annual Report. This bill requires that a record of all public proceedings for which notice is required under the Maine Revised Statutes, Title 1, section 406 must be made within a reasonable period of time after the proceeding. The record is a public record and must be open to public inspection. At a minimum, the record must include: the date, time and place of the public proceeding; the members of the body recorded as either present or absent; the general substance of all matters proposed, discussed or decided; and all motions and votes taken, by individual member if there is a roll call. An audio, video or other electronic recording of a public proceeding is sufficient.

Committee Amendment "A" (H-734)

This amendment replaces the bill with a resolve directing the Right To Know Advisory Committee to further examine issues related to requiring public bodies to keep records of public proceedings. The Advisory Committee must submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 15, 2011, and the joint standing committee of the Legislature having jurisdiction over judiciary matters may report out a bill to the First Regular Session of the 125th Legislature based on the report.

Joint Standing Committee on Judiciary

Senate Amendment "A" To Committee Amendment "A" (S-476)

This amendment removes the authorization of the joint standing committee of the Legislature having jurisdiction over judiciary matters to report out a bill.

Enacted Law Summary

Resolve 2009, chapter 186 directs the Right To Know Advisory Committee to further examine issues related to requiring public bodies to keep records of public proceedings. The advisory committee must submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than February 15, 2011.

LD 1792 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions

PUBLIC 567

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-750

This bill contains the recommendations concerning public records exceptions of the Right To Know Advisory Committee as described in its Fourth Annual Report. This bill includes the recommended amendments to existing public records exceptions to provide as much consistency as possible across the statutes.

Committee Amendment "A" (H-750)

This amendment deletes the changes to public records exceptions concerning the Finance Authority of Maine.

Enacted Law Summary

Public Law 2009, chapter 567 enacts the recommendations concerning public records exceptions of the Right To Know Advisory Committee as described in its Fourth Annual Report. Chapter 567 includes the recommended amendments to existing public records exceptions to provide as much consistency as possible across the statutes. Chapter 567 enacts provisions providing confidentiality concerning complaints made to the State Auditor's hotline or referral service as enacted by Public Law 2005, chapter 682, and repealed by its own terms on July 1, 2009. Chapter 567 amends the laws concerning the Maine International Trade Center to treat all proceedings and records as open to the public, with exceptions for proprietary information. Chapter 567 amends the laws governing mineral exploration claims on state lands to make the language consistent with other confidentiality language. Chapter 567 amends the laws governing well drilling information to provide that the information required to be reported to the Department of Conservation, Bureau of Geology and Natural Areas, Maine Geological Survey is public unless the well drilling company reporting the information requests that the information be designated confidential and the bureau determines that it is proprietary information. Chapter 567 amends the laws governing the Lobster Promotion Council to establish that information provided to or developed by the council and included in a promotional plan or market study is public unless the council determines that it contains proprietary information. Chapter 567 amends the laws governing confidentiality of information related to experimental forestry practice areas to provide that the information is public unless the person to whom the information belongs or pertains requests that it be designated as confidential and the Department of Conservation, Bureau of Forestry determines that it is proprietary information. Chapter 567 amends the laws governing the confidentiality of information about the Commissioner of Education's disciplinary actions with regard to educational personnel. It makes public certain information concerning final written decisions relating to disciplinary action taken by the commissioner against persons holding certifications. Chapter 567 directs the Right To Know Advisory Committee to review and make recommendations concerning issues involved with requests for public records in bulk. The recommendations must be included in the advisory committee's annual report to be submitted by January 15, 2011.