

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)

STATE OF MAINE
130TH LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

December 2021

MEMBERS:

SEN. ANNE M. CARNEY, CHAIR
SEN. HEATHER B. SANBORN
SEN. LISA M. KEIM

REP. THOM HARNETT, CHAIR
REP. CHRISTOPHER W. BABBIDGE
REP. JOYCE MCCREIGHT*
REP. BARBARA A. CARDONE*
REP. LOIS GALGAY RECKITT
REP. STEPHEN W. MORIARTY
REP. ERIN R. SHEEHAN
REP. DAVID G. HAGGAN
REP. LAUREL D. LIBBY*
REP. JENNIFER L. POIRIER
REP. JAMES F. THORNE*
REP. JEFFREY EVANGELOS
REP. RENA D. NEWELL

STAFF:

MARGARET REINSCH, SR. LEGISLATIVE ANALYST
SAM SENFT, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla/>

*Committee member for a portion of the session

JOINT STANDING COMMITTEE ON JUDICIARY

health care directives. In addition to allowing a patient to direct an individual outside the patient's room to sign an advance health care directive for the patient, it allows the patient to communicate signing directions to an individual by means of two-way audiovisual technology. It also allows other individuals who contemporaneously view the signing through audiovisual means to sign the document as witnesses. It includes an opportunity for the patient or the patient's agent to review a copy of the advance health care directive prior to its execution and after it has been signed. It allows the patient or the patient's agent to revoke the advance health care directive if a substantive difference is discovered upon review. It provides immunity for good faith acts or omissions by staff, employees or agents of the hospital or residential care facilities for their use of the remote signing process. It does not apply to any other documents or settings or when advance health care directives are notarized.

LD 1200 An Act To Bring Gender Parity to Corporate Boards

ENACTED LAW SUMMARY

Public Law 2021, chapter 385 requires the board of directors of a publicly held corporation subject to the Maine Business Corporations Act to include at least one female director by June 1, 2023. The number of female directors required is based on the number of directors on the board. The Secretary of State is required to annually report the names of domestic publicly held corporations and whether each corporation has the required number of female directors on its board. Chapter 385 revises the required elements of the annual report that each domestic corporation must file with the Secretary of State to include whether the corporation is publicly held and, if the corporation is publicly held, the number of female members on the board of directors and whether the corporation met the minimum requirements.

LD 1221 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions

ENACTED LAW SUMMARY

Public Law 2021, chapter 182 implements statutory changes recommended by the Right To Know Advisory Committee after reviewing certain existing public records exceptions in the Maine Revised Statutes, Titles 8 to 12.

Chapter 182 amends a provision relating to books, records or correspondence produced in response to a summons in an antitrust investigation. It makes the language consistent with how other exceptions refer to documents that are not subject to disclosure and clarifies that the confidentiality of the records is not tethered to an affirmative option of the person providing the records. It further clarifies that books, records or correspondence produced in response to a summons may be disclosed by the Attorney General with the consent of the producing party and in court pleadings or other papers filed in court.

JOINT STANDING COMMITTEE ON JUDICIARY

Chapter 182 amends a provision relating to water well information collected by the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey. It removes the exception designating as confidential information collected by the Maine Geological Survey at the request of well drilling companies to whom the information pertains if the division has determined it contains proprietary information.

LD 1224 An Act To Authorize Remote Participation in Maine State Cultural Affairs Council Meetings

ENACTED LAW SUMMARY

Public Law 2021, chapter 269 allows the Maine State Cultural Affairs Council to conduct a public proceeding using telephonic, video, electronic or other means of remote participation when two or more members are physically present at the location of the public proceeding identified in the notice for the meeting and the total number of members participating in the meeting, both physically present and participating remotely, constitutes a quorum.

LD 1226 Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice

ENACTED LAW SUMMARY

Resolve 2021, chapter 101 directs the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to conduct a review of proposed and passed national restorative justice legislation and make recommendations in the areas of education, juvenile justice, adult diversion and correctional settings for advancing restorative justice legislation in this State. The commission is authorized to submit legislation based on its recommendations to the Second Regular Session of the 130th Legislature and must provide a copy of its recommendations to the Joint Standing Committee on Judiciary.

LD 1236 An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements

ENACTED LAW SUMMARY

Public Law 2021, chapter 392 provides that the Attorney General may employ private counsel on a contingent fee basis and may deduct from funds recovered by private counsel on behalf of the State such amounts as the Attorney General determines are due and owed under the terms of a contingent fee agreement and remit such amounts to private counsel.