

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
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State of Maine

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their own records. I think the committee heard that as much as \$80 to \$100 for a very small set of records, five or six pages, has been charged to these patients or former patients in order to obtain access to their records, access to which they have a statutory right at the present time and for many, many years. This bill does not increase the charges. It does not set a floor. It does not set a standard. It simply sets a cap for the charges that may be made for records. It is true that lawyers sometimes ask for these records, insurance companies ask for these records, many different people ask for these records. Individuals and family members often times ask for the records so that they can better understand their or their families or loved ones medical history better. When it is somebody other than the patient, whether it is a personal representative, through probate court, whether it is a person with a power of attorney, whether it is a mother or father, sister or brother. Those people who don't pass on the charges to the patient, your lawyer doesn't pay those charges for the patient. Those are assumed by the patient themselves. Ultimately any charge that is made is not let out, but the charge is passed on. Sometimes in institutions, it was said at the hearing, charge a high fee in order to discourage patient access to their own records. I don't think that happens a lot, but it does happen. It has happened on occasion. The reason for the \$10 charge for the first page, the first page only, not \$10 per page for the whole record, it is simply to accommodate those people who need to charge something for the research and retrieval of the records, \$10 for the first page and 35 cents for each additional page. It is a reasonable fee and we think it clarifies the current statute on access to patient records.

The SPEAKER: A division has been ordered. The pending question before the House is acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

A vote of the House was taken. 77 voted in favor of the same and 54 against, and accordingly the Majority Ought to Pass Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Wednesday, May 21, 2003.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ENACTORS

Emergency Measure

An Act Relating to Harness Racing Laws

(H.P. 521) (L.D. 704)
(C. "A" H-397)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative CLARK of Millinocket, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

The same Representative **PRESENTED** House Amendment "A" (H-479) which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House. What this amendment does is it specifies the proceeding judge and the associate judges appointed to the State Harness Racing Commission are deemed to be employees

of the state for the purpose of the Maine Tort Claims Act. All this is is a technical amendment.

Subsequently, **House Amendment "A" (H-479)** was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-397)** and **House Amendment "A" (H-479)** in **NON-CONCURRENCE** and sent for concurrence.

Emergency Measure

An Act To Simplify Calculation of Legal Interest

(H.P. 835) (L.D. 1132)
(C. "A" H-393)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative MILLS of Cornville, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (H-393)** was **ADOPTED**.

The same Representative **PRESENTED** House Amendment "A" (H-488) to **Committee Amendment "A" (H-393)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Cornville, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House. This bill was introduced before cloture in November for purposes of straightening out some things that were confusing and inconsistent and wrong in regard to how interest is calculated on civil judgments in the State of Maine. I will spare you the history of how those laws became confused and inconsistent. The bill as it was finally drafted by a very competent committee of the Maine Bar Association included a provision that prejudgment interest should be charged in small claims cases. It was brought to our attention yesterday that interest has never been calculated or charged in small claims cases unless interest was based on a specific contract or note with the rates stated. The purpose of the amendment that lies before you is to make sure that the new law preserves the practice that has existed in Maine for many decades and that is that in simple small claims procedures that are customarily held within a few months of the time when they are filed, with very short passages of time and very small amounts involved, that we don't put the parties or the court to the burden of calculating interest in those cases unless there is, for some reason, a stated rate of interest in the document that gives rise to the claim itself. This amendment, if adopted, will preserve that practice and will make it clear that we are not trying to change the substance of the law in that respect. That is the reason for this amendment.

Subsequently, **House Amendment "A" (H-488)** to **Committee Amendment "A" (H-393)** was **ADOPTED**.

Committee Amendment "A" (H-393) as Amended by **House Amendment "A" (H-488)** thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by **Committee Amendment "A" (H-393)** as Amended by **House Amendment "A" (H-488)** thereto in **NON-CONCURRENCE** and sent for concurrence.
