

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2007

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STAFF:

MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

*Representative Bonnie S. Gould replaced former Representative Abigail Holman on the Judiciary Committee.

STATE OF MAINE

123RD 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 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

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:

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 (or Accepted ONTP report).....	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.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. 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 960 establishes the criteria for determination of compensation for loss or impairment of the going concern value of a business when the property of a business is taken by the Department of Transportation or a municipality exercising its eminent domain power. The burden is on the business to prove the loss. The analysis takes place at the request of the owner of the displaced business. LD 960 amends the duties of the State Claims Commission to include determination of just compensation in two categories of municipal condemnations: general eminent domain authority under the Maine Revised Statutes, Title 30-A, chapter 151 and community development under Title 30-A, chapter 205.

Committee Amendment "A" (H-434)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds a mandate preamble, and an appropriations and allocations section. This amendment adds an application section to provide that the bill applies to a taking of property that displaces a business for which a notice of condemnation is filed on or after January 1, 2008.

House Amendment "A" (H-471)

This amendment removes provisions from Committee Amendment "A" that apply to compensation to be paid by municipalities when exercising eminent domain authority. This amendment also amends the criteria established in the bill for determination of compensation to be paid by the State when the Department of Transportation exercises eminent domain to apply to the displacement of a business established for more than three years that is located on land that is the subject of the proceedings or on adjoining land if that business owns the land that is the subject of the proceedings. (Not adopted)

LD 988 An Act To Improve the Protection from Abuse Laws

PUBLIC 340

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON HOBBINS	OTP-AM	H-376

LD 988 allows current and former dating partners, whether or not sexual partners, and stalking and sexual assault victims to seek relief under the protection from abuse laws.

Committee Amendment "A" (H-376)

This amendment clarifies that the alleged conduct on which a protection from abuse order may be based includes stalking as set out in the Maine Criminal Code, which is referenced in the Maine Revised Statutes, Title 19-A, section 4005, subsection 1, as amended in the bill.

Enacted Law Summary

Public Law 2007, chapter 340 allows current and former dating partners, whether or not sexual partners, and stalking and sexual assault victims to seek relief under the protection from abuse laws.

LD 989 An Act To Extend Parental Support Obligations for College Students

ONTP

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

LD 989 extends the child support obligation beyond high school if the child attends an institution of higher education until the child graduates, withdraws or is expelled from that or another institution of higher education

Joint Standing Committee on Judiciary

or reaches 22 years of age, whichever occurs first. The child must be a full-time student and must have begun attending the institution of higher education within six months of graduating from high school. Child support may be paid directly to the institution of higher education. The definition of "institution of higher education" is that used in Title IV of the federal Higher Education Act.

LD 1011 An Act To Enhance Child Support Collections in Maine

**PUBLIC 206
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-112

LD 1011 specifies that a snowmobile registration, an ATV registration and a second or subsequent motor vehicle registration may not be issued to a person who has defaulted on a child support order or must be revoked by the issuing agency.

Committee Amendment "A" (S-112)

This amendment replaces the bill. It retains the original purpose of revoking or prohibiting the issuance or renewal of a snowmobile registration or ATV registration for a person who has been certified as failing to comply with a child support order. It requires the Commissioner of Inland Fisheries and Wildlife to provide information about watercraft, snowmobile and ATV registrants to allow the Department of Health and Human Services to identify those registrants who are not in compliance with child support orders.

Enacted Law Summary

Public Law 2007, chapter 206 allows for the revocation or prohibition on issuance or renewal of a snowmobile registration or ATV registration for a person who has been certified as failing to comply with a child support order. It requires the Commissioner of Inland Fisheries and Wildlife to provide information about watercraft, snowmobile and ATV registrants to allow the Department of Health and Human Services to identify those registrants who are not in compliance with child support orders.

Public Law 2007, chapter 206 was enacted as an emergency measure effective June 4, 2007.

LD 1027 An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act

**PUBLIC 385
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-248

LD 1027 amends the definition of "physical or mental disability" in the Maine Human Rights Act to mean a condition that substantially limits one or more major life activities, making the definition consistent with federal law and returning the definition to the one used by the Maine Human Rights Commission before the Maine Supreme Judicial Court's decision, *Whitney v. Wal-Mart Stores, Inc.*, 2006 ME 37.

Committee Amendment "A" (S-248)

This amendment replaces the bill and adopts a new definition of "physical or mental disability." A physical or mental impairment qualifies as a physical or mental disability under the Maine Human Rights Act if it:

This amendment adds to the construction provisions of the Maine Human Rights Act a rule of construction that directs that the definition of "physical or mental disability" in the Act is to be interpreted broadly to create greater coverage than under the federal Americans with Disabilities Act of 1990. This amendment provides that rules