

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

LD 237 **An Act To Make Public the Names of Members of Limited Liability Companies** **ONTP**

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

This bill requires the Secretary of State to make the names of members of a limited liability company available to the public.

See also LD 983.

LD 247 **An Act To Amend the Gift Card Laws** **PUBLIC 433**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRESCOTT RECTOR	OTP-AM	H-442

This bill changes from 2 years to 5 years the time after which a gift obligation or stored-value card is deemed abandoned. It also removes the provision that a merchant remit 60% of the unclaimed amount to the Treasurer of State, resulting in the required remittance of 100% of the unclaimed amount.

Committee Amendment "A" (H-442)

This amendment replaces the bill.

This amendment provides that gift obligations and stored-value cards sold on or after December 31, 2011 are not presumed abandoned unless a single issuer sells at least \$250,000 in face value of gift obligations and stored-value cards in the previous calendar year. Sales of gift obligations and stored-value cards are considered sales by a single issuer if the sales were by businesses that operate either under common ownership or control with another business or businesses in the State or as franchised outlets of a parent business.

This amendment also reformats the provision on gift obligations and stored-value cards to make it more readable, but makes no other changes to current law.

Enacted Law Summary

Public Law 2011, chapter 433 provides that gift obligations and stored-value cards sold on or after December 31, 2011 are not presumed abandoned unless a single issuer sells at least \$250,000 in face value of gift obligations and stored-value cards in the previous calendar year. Sales of gift obligations and stored-value cards are considered sales by a single issuer if the sales were by businesses that operate either under common ownership or control with another business or businesses in the State or as franchised outlets of a parent business.