

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
125<sup>TH</sup> 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  
125<sup>TH</sup> LEGISLATURE  
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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 125<sup>th</sup> 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 125<sup>th</sup> 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***

1190.

**LD 655      An Act To Provide Tribal Representation in the Senate**

**ONTP**

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

This bill establishes a Senate Tribal Representative to represent the Penobscot Indian Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs at the Legislature. The position rotates among the nation, tribe and bands every 2 years as determined by agreement among the nation, tribe and bands. The position is established beginning in the 126th Legislature. The Senate Tribal Representative must be furnished a seat on the floor of the Senate, must be granted the privilege of speaking on the floor of the Senate on pending legislation and must be appointed to sit as a nonvoting member of a joint standing committee. The Senate Tribal Representative may be granted other rights and privileges approved by the Senate. The Senate Tribal Representative serves for 2 years and is entitled to receive a salary and allowances equal to the salary and allowances received by members of the Senate.

**LD 665      An Act To Limit Claims of Exempt Property**

**ONTP**

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

This bill specifies that claims of exempt property may not be used to protect against certain debts that would be excepted from discharge under federal bankruptcy law or judgments based on torts involving other than ordinary negligence on the part of the debtor.

**LD 744      An Act To Amend the Definition of "Service Animal" To Conform with Federal Law**

**PUBLIC 369**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY ROSEN R	OTP-AM	H-506

This bill changes the definition of "service animal" in the Maine Human Rights Act to conform with federal regulations adopted under the Americans with Disabilities Act.

See also LD 785.

**Committee Amendment "A" (H-506)**

This amendment replaces the bill.

The bill contains the definition of "service animal" as adopted by the United States Department of Justice in