

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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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 811 **An Act Relating to Child Support and Visitation by Noncustodial Parents** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J SAVIELLO	ONTP	

This bill provides that the Department of Health and Human Services is prohibited from issuing an income withholding order against the wages of the financially responsible parent when the parent with whom the child lives either is in violation of a parental rights and responsibilities order requiring contact between the child and the financially responsible parent or, if no order concerning contact is in effect, does not permit contact between the financially responsible parent and the child. If reasonable grounds exist for refusing contact, the prohibition is void.

LD 824 **An Act To Amend Certain Provisions Regarding Evidence under the Law Concerning Post-judgment DNA Analysis** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON	ONTP	

This bill requires, in a post-judgment conviction motion for DNA analysis, that:

1. If the State fails to preserve biological evidence or evidence of a DNA analysis gathered on or after January 1, 1988 that is subject to a court order for new trial, then it is considered prima facie evidence favorable to the person bringing the motion;
2. For evidence gathered on or after January 1, 1988, if the results of the DNA analysis show that the person is not the source of the evidence and the DNA analysis is evidence material to the crime, there is a rebuttable presumption that the DNA subject to the analysis is from the perpetrator of the crime and the DNA analysis is admissible at a hearing on the person's motion for new trial; and
3. In a hearing in a motion for new trial, if the results of the DNA analysis is material evidence in the underlying crime, the court shall consider this evidence together with all the other evidence in the case, old and new, admitted in the hearing, likely to influence a conclusion regarding the person's guilt or innocence, when granting or denying the motion.

LD 877 **Resolve, To Streamline the Judicial Process in Maine's Courts** **ONTP**

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

This resolve directs the Judicial Department to design and implement a plan to upgrade its computer system to ensure access by Maine citizens and attorneys to electronic filing and scheduling online.