

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

gered to comply with Title 23, section 1964-A, subsections 1 and 2.

Sec. 22. Transition; budget of Maine Turnpike Authority. Notwithstanding the Maine Revised Statutes, Title 23, section 1961, subsection 6, on or before January 31, 2012, the Maine Turnpike Authority shall submit a revenue fund budget for January 1, 2013 to June 30, 2013. Beginning in 2013, the authority shall submit its annual budget in compliance with Title 23, section 1961, subsection 6.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2011.

CHAPTER 303

H.P. 1159 - L.D. 1576

An Act To Clarify the Award of Fees in Domestic Violence Cases

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the federal Violence Against Women Act of 2000 has a requirement regarding management of costs and fees in protection from abuse orders; and

Whereas, all applicants for funding under the federal Violence Against Women Act of 2000 are required to certify that laws, policies and practices do not require, in connection with the filing, issuance, registration or service of a protection order or a petition for a protection order to protect a victim of domestic violence, stalking or sexual assault, that the victim bear the costs associated with the issuance of a protection order; and

Whereas, there are concerns that Maine's protection from abuse statute is ambiguous about the awards of attorney's fees and court costs; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period so that grant certifications can be made in good faith; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 19-A MRSA §4007, sub-§1, ¶L, as amended by PL 2005, c. 510, §10, is further amended to read:

L. Ordering the defendant ~~or, if the complaint is dismissed, the plaintiff~~ to pay court costs or reasonable attorney's fees;

Sec. 2. 19-A MRSA §4007, sub-§1, ¶L-1 is enacted to read:

L-1. Ordering the plaintiff to pay court costs or reasonable attorney's fees, or both, only if a judgment is entered against the plaintiff after a hearing in which both the plaintiff and the defendant are present and the court finds that the complaint is frivolous;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 10, 2011.

CHAPTER 304

S.P. 10 - L.D. 1

An Act To Ensure Regulatory Fairness and Reform

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, during the First Regular Session of the 125th Legislature, the Joint Select Committee on Regulatory Fairness and Reform held 7 public meetings throughout the State and received hundreds of recommendations for regulatory reform from the public, the regulated business community, environmental advocacy groups and other stakeholders; and

Whereas, through 2 subsequent public hearings and numerous work sessions on those recommendations, the committee reached unanimous agreement on the provisions in this Act to implement a number of significant and critical regulatory reforms; and

Whereas, these reforms must take effect immediately to ensure regulatory fairness, improve the business climate of the State, encourage job creation and retention and expand opportunities for Maine people; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,