

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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*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 1 An Act To Increase Reimbursement for Jury Duty

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J		

LD 1 raises the mileage paid a juror from 15 cents per mile to 36 cents per mile and raises the compensation from \$10 a day to \$50 for each day of required attendance at sessions of court.

LD 1 is carried over pursuant to Joint Order, HP 1369.

See also LD 1629.

LD 47 An Act To Prohibit the Promotion of Travel for Sex Tourism

ONTP

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

LD 47, which is based on a law passed in Washington State, prohibits travel agencies within the State from engaging in travel for commercial sexual purposes. "Travel for commercial sexual purposes" is defined as advertising or arranging for travel with the intention of enabling the customer to engage in prostitution or to engage a prostitute or to engage in a sexual act, sexual contact or sexual touching for which anything of value is given, promised or received. The bill also makes a violation of this prohibition a Class C crime, with a penalty of up to 5 years in prison and up to a \$5,000 fine.

See also LD 461.

LD 49 Resolve, To Deny Family Status to Fetuses

ONTP

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

LD 49 directs the Department of Health and Human Services to amend the rules for all public assistance programs to deny fetuses familial status by January 1, 2008. In amending the rules the department shall prohibit the counting of a fetus as a family member in the computation of income for the family unit. The rules would be routine technical rules.

LD 61 An Act To Add Abortion Providers to the List of Mandated Reporters to the Department of Health and Human Services

ONTP

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

Joint Standing Committee on Judiciary

LD 61 makes providers of abortion services mandatory reporters of child sex abuse with regard to a child under 16 years of age when the provider knows or has reasonable cause to suspect that the child has been sexually abused by a family member. LD 61 makes confidential the information that the child had sought abortion services.

LD 73 An Act To Place Land in Centerville in Trust

PUBLIC 221

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-239

LD 73 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe all land acquired in Centerville. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe.

Committee Amendment "A" (H-239)

This amendment specifies that the land eligible for trust status consists of particular parcels listed in the deed from Bertram C. Tackeff to the Passamaquoddy Tribe.

Enacted Law Summary

Public Law 2007, chapter 221 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe particular parcels listed in the deed from Bertram C. Tackeff to the Passamaquoddy Tribe located in Centerville. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe. Chapter 221 takes effect upon ratification by the Passamaquoddy Tribe.

LD 74 An Act To Exempt Certain Parents and Caretakers from Jury Duty

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M DIAMOND	ONTP	

LD 74 exempts from jury duty a mother who is breast-feeding a child; a parent of child who has not attained 10 years of age if the court determines that service of the parent as a juror would jeopardize the safety of the child; and a caretaker of an elderly or disabled person if that person requires full-time attention from the caretaker.

See also LD 1629.

LD 86 An Act To Require the Collection of Information on Vehicle Accidents on Private Property

ONTP

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