

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. BARRY J. HOBBS, CHAIR
SEN. JOHN M. NUTTING
SEN. DAVID R. HASTINGS III

REP. DEBORAH L. SIMPSON, CHAIR
REP. JANET T. MILLS
REP. MARK E. BRYANT
REP. MICHAEL EDWARD DUNN
REP. ALAN M. CASAVANT
REP. CYNTHIA A. DILL
REP. BONNIE S. GOULD*
REP. JOAN M. NASS
REP. ROBERT A. BERUBE
REP. LAWRENCE E. JACOBSEN
REP. DONNA M. LORING

STAFF:

MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

*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 86 requires that an accident report be filed for a motor vehicle accident on private property as current law requires for an accident on a public way. LD 86 was rereferred from the Transportation Committee.

LD 94 An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act

PUBLIC 222

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH HOBBINS	OTP-AM	H-240

LD 94 clarifies and achieves the original intent of the Maine Unfair Trade Practices Act concerning regulatory boards by exempting from application of the law actions expressly permitted by law by a regulatory board or officer.

Committee Amendment "A" (H-240)

This amendment replaces the bill. The amendment establishes a two-step analysis to determine if a defendant's transactions or actions are excepted from the application of the Maine Unfair Trade Practices Act. First, the defendant must show that its business activities are subject to regulation by a state or federal agency. If the defendant satisfies the first step, then the defendant must show that the specific activity that is the focus of the inquiry is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation, or that other regulatory approval, which may be less formal than law, rule or regulation, authorizes, permits or requires the specific activity.

Enacted Law Summary

Public Law 2007, c. 222 establishes a two-step analysis to determine if a defendant's transactions or actions are excepted from the application of the Maine Unfair Trade Practices Act. First, the defendant must show that its business activities are subject to regulation by a state or federal agency. If the defendant satisfies the first step, then the defendant must show that the specific activity that is the focus of the inquiry is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation, or that other regulatory approval, which may be less formal than law, rule or regulation, authorizes, permits or requires the specific activity.

LD 102 An Act To Amend the Laws Governing Mechanics Liens

ONTP

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

LD 102 requires that for a lien for construction costs to be enforced, it must be for labor, materials or services performed under a written contract.

LD 103 An Act To Give Children Equal Priority in Creditor Situations Consistent with Bankruptcy

ONTP

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

Joint Standing Committee on Judiciary

LD 103 amends the law that lists the property of a debtor that is exempt from attachment and execution by adding to the list the debtor's interest in funds or other assets to the extent the funds or other assets are necessary to pay child support under a support order that is either in existence or is anticipated. The exemption applies to protect the payment of child support from all creditors who may have an interest in the debtor's property.

LD 104 An Act To Protect Minors from Certain Bill Collectors

ONTP

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

LD 104 prohibits the collection from a minor of a debt incurred in providing health care, health services or medication to the minor and makes an attempt to collect the debt a Class D crime.

LD 115 An Act To Recognize the Metis Eastern Tribal Indian Society of Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL NASS R	ONTP	

LD 115 extends state recognition to the Metis Eastern Tribal Indian Society of Maine as a distinct aboriginal group. LD 115 does not alter the application of the laws of the State to the Metis Eastern Tribal Indian Society of Maine or Metis people.

LD 169 An Act To Place Land in Township 21 in Trust

PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-241

LD 169 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 Township 21. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe.

Committee Amendment "A" (H-241)

This amendment specifies that the land eligible for trust status is Gordon Island in Big Lake, acquired from Domtar Maine Corporation by the Passamaquoddy Tribe.

Enacted Law Summary

Public Law 2007, chapter 223 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 Gordon Island in Big Lake, acquired from Domtar Maine Corporation by the Passamaquoddy Tribe located Township 21. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe. Chapter 223 takes effect upon ratification by the Passamaquoddy Tribe.