

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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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 433 An Act To Amend the Bond Requirements for Estates of Decedents

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-76

LD 433 eliminates the requirement that a personal representative of a decedent's taxable estate obtain a bond to secure the payment of estate taxes if the Judge of Probate finds that any estate tax due is not secured by the State's estate tax lien upon real estate in the decedent's estate, since all property of a decedent of the State is already charged with a lien benefiting the State for all taxes, interest or penalties that are or may become due regardless of whether the property is real or otherwise.

Committee Amendment "A" (S-76)

This amendment replaces the bill. This amendment clarifies that a Probate Court need not require a personal representative of a decedent's estate to give a bond to secure the payment of estate taxes if the Probate Court finds that any estate tax due is secured by the statutory estate tax lien upon real property in the decedent's estate or by other adequate security.

Enacted Law Summary

Public Law 2007, chapter 154 clarifies that a Probate Court need not require a personal representative of a decedent's estate to give a bond to secure the payment of estate taxes if the Probate Court finds that any estate tax due is secured by the statutory estate tax lien upon real property in the decedent's estate or by other adequate security.

LD 461 An Act To Implement the Recommendations of the Human Trafficking Task Force

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-488

LD 461 contains the recommendations of the Human Trafficking Task Force. The bill proposes to:

1. Enact a law criminalizing involuntary servitude and human trafficking, making them Class B offenses, with enhancement to Class A in certain circumstances, and specifying certain defenses that do not apply to involuntary servitude or human trafficking offenses;
2. Authorize the court to order forfeiture of assets acquired as a result of human trafficking;
3. Give the human trafficking victim rights, restitution and the right to collect damages and compensation through criminal restitution law and the Victims Compensation Fund and require rulemaking by the Department of Labor for the purposes of victim restitution;
4. Prohibit travel agencies operating within the State from advertising or arranging for travel for commercial sexual purposes;
5. Require commercial international matchmaking organizations operating within the State to inform recruits and clients of the right to information on the other person's criminal, marital, protection from abuse, harassment and other official records;

Joint Standing Committee on Judiciary

6. Direct the Attorney General to convene a broad working group to address human trafficking issues. The working group would report to the Legislature by January 15, 2008; and

7. Provide an effective date of January 1, 2008 except that the provisions enacting the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-488)

This amendment replaces the bill. Like the bill, it is based on the work of the Human Trafficking Task Force and establishes the crimes of causing involuntary servitude, human trafficking and aggravated human trafficking. It also provides that certain circumstances cannot be used as defenses to prosecutions. This amendment creates a new chapter that provides for civil remedies for human trafficking. It allows a trafficked person to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those remedies and any other appropriate relief. This amendment provides for the civil forfeiture of property used in involuntary servitude and human trafficking offenses. Like the bill, this amendment gives the human trafficking victim the right to collect damages and compensation through criminal restitution law and the Victims' Compensation Fund. It requires rulemaking by the Department of Labor for the purposes of victim restitution.

This amendment directs the Attorney General to convene a broad working group to address human trafficking issues. Monitoring international matchmaking organizations is added to the list of tasks, as is whether a special statute of limitations tolling provision is appropriate because of victims' cultural and linguistic isolation. The working group will report to the Legislature by January 15, 2009.

This amendment provides an effective date of January 1, 2008, except that the provisions establishing the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

LD 461 is carried over pursuant to Joint Order, HP 1369.

LD 469 An Act To Disseminate "Lessons Learned" from Medical Injury Claims

CARRIED OVER

Sponsor(s)
BOWMAN

Committee Report

Amendments Adopted

LD 469 requires the Board of Licensure in Medicine each year to analyze and create a report of all claims of medical injury filed in the State in the preceding year to determine cause and to suggest possible means of prevention of reoccurrence. The report will not include names of any of the parties in any claim and must be sent out to all surgeons and physicians practicing medicine in Maine and to the Legislature by March 1st of each year.

LD 469 is carried over pursuant to Joint Order, HP 1369.