

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> 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

123<sup>RD</sup> 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 123<sup>rd</sup> 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 1141 An Act To Ensure Basic Rights of Judicial Employees

ONTP

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

LD 1141 provides that plans, arrangements and files involving court security matters may be provided to a certified bargaining agent of Judicial Department employees.

### LD 1156 An Act To Protect Owners and Occupiers of Homes from Civil Liability

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	OTP-AM	H-396

LD 1156 immunizes from civil liability an owner, occupier or resident of a home, including a guest, from any death, personal injury or property damage that results from protecting the home or its residents from a person unlawfully present in or attempting to enter the home.

#### Committee Amendment "A" (H-396)

This amendment replaces the bill. The Maine Criminal Code provides for a defense of premises justification for the use of different degrees of force in specific circumstances. This amendment provides for a defense of premises defense in a civil action if the person used the degree of force that is justified in the specific circumstances under the Maine Criminal Code.

#### Enacted Law Summary

The Maine Criminal Code provides for a defense of premises justification for the use of different degrees of force in specific circumstances. Public Law 2007, chapter 315 provides for a defense of premises defense in a civil action if the person used the degree of force that is justified in the specific circumstances under the Maine Criminal Code.

### LD 1207 An Act To Amend the Mechanics Lien Laws

ONTP

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

LD 1207 is a concept draft pursuant to Joint Rule 208. LD 1207 proposes to amend the current law to separate the issues of placing a lien for nonpayment of services provided and placing a lien for improper workmanship.

### LD 1212 An Act To Exempt Nurse Practitioners and Physician Assistants in Active Patient Care from Jury Service

ONTP

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

## *Joint Standing Committee on Judiciary*

LD 1212 exempts from jury service nurse practitioners and physician assistants providing active patient care.

See also LD 1629.

### **LD 1213     An Act To Establish Spousal Support Guidelines**

**ONTP**

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

LD 1213 is a concept draft pursuant to Joint Rule 208. LD 1213 proposes to establish guidelines for the calculation of spousal support. The guidelines would allow the court to exercise discretion in setting aside the guidelines in exceptional circumstances or to take into account unique facts. The intent of the legislation is to assist litigants and practitioners in arriving at a fair, equitable spousal support figure based upon both parties' gross and net income, child support and tax situation.

### **LD 1231     An Act To Serve the Best Interests of Children in Divorce**

**ONTP**

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

LD 1231 is a concept draft pursuant to Joint Rule 208. LD 1231 would enact measures to ensure that the best interests of children are served in divorce. The bill was introduced to address child support based on substantially equal parenting.

### **LD 1258     An Act To Clarify the Laws Governing Landowner Liability**

**PUBLIC 260**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WATSON	OTP	

LD 1258 clarifies existing law to ensure that a landowner is not liable for the actions of a recreational user of the land, whether those actions have an impact on the landowner's property or property of another.

#### **Enacted Law Summary**

Public Law 2007, chapter 260 clarifies existing law to ensure that a landowner is not liable for the actions of a recreational user of the land, whether those actions have an impact on the landowner's property or property of another.

### **LD 1263     Resolve, To Continue the Tribal-State Work Group**

**RESOLVE 142  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD	OTP-AM	H-395 S-370     ROTUNDO