

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 1263 establishes the Tribal-State Work Group to continue the work of the body created by Executive Order 19 FY 06/07. The work group is charged with examining potential changes to An Act to Implement the Maine Indian Claims Settlement and other issues affecting tribal-state relations. It is required to report its findings to the Legislature, Governor and Wabanaki Tribes by January 2, 2008.

Committee Amendment "A" (H-395)

This amendment changes the reporting date to December 5, 2007 and deletes superfluous extension language. This resolve as amended includes a legislative study that is inconsistent with Joint Rule 353 but is being reported out of committee with prior approval of the Legislative Council as provided in Joint Rule 353.

Senate Amendment "A" (S-370)

This amendment reduces the General Fund appropriation and clarifies that the funding goes to the Maine Indian Tribal-State Commission program.

Enacted Law Summary

Resolve 2007, chapter 142 establishes the Tribal-State Work Group to continue the work of the body created by Executive Order 19 FY 06/07. The work group is charged with examining potential changes to AN ACT to Implement the Maine Indian Claims Settlement and other issues affecting tribal-state relations. It is required to report its findings to the Legislature, Governor and Wabanaki Tribes by December 5, 2007.

Resolve 2007, chapter 142 was enacted as an emergency measure effective June 29, 2007.

LD 1271 An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties CARRIED OVER

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

LD 1271 provides limited immunity protection to a specialty or subspecialty consulting physician who provides volunteer, unpaid consultation services to a treating physician in the physician's area of expertise.

LD 1271 is carried over pursuant to Joint Order, HP 1369.

LD 1335 An Act To Minimize the Litigation Costs to Municipalities Associated with Property Tax Assessment Appeals ONTP

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

LD 1335 requires a property owner to pay the reasonable costs and attorney's fees of a successful defense to an appeal of a property assessment if the municipality's assessment on the property for a different year had been previously upheld by a court.

LD 1348 An Act To Amend the Maine Tort Claims Act CARRIED OVER

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

Joint Standing Committee on Judiciary

LD 1348 raises the limitation on damages under the Maine Tort Claims Act from \$400,000 to \$1,000,000.

LD 1348 is carried over pursuant to Joint Order, HP 1369.

LD 1349 Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver **CARRIED OVER**

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

LD 1349 authorizes Lucas Tolliver to recover up to \$1,000,000 of the damage award amount allocated to the State by an October 10, 2006 Cumberland County Superior Court jury verdict in his favor.

LD 1349 is carried over pursuant to Joint Order, HP 1369.

LD 1372 An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act **PUBLIC 457**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-303

LD 1372 increases the caps on damages in actions brought under the Maine Human Rights Act.

Committee Amendment "A" (H-303)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 457 increases the caps on damages in actions brought under the Maine Human Rights Act.

LD 1388 An Act To Prohibit Attorneys from Litigating Child Custody Cases in the Same District in Which They Serve as Guardians Ad Litem **ONTP**

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

LD 1388 prohibits an attorney who is appointed guardian ad litem in a district court or probate court from representing a client in a child custody case in the same district court or probate court.

LD 1415 An Act Regarding the Right of a Person To Appeal from the Action of a State Agency **ONTP**

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

LD 1415 provides that a person who is aggrieved by any preliminary, procedural, intermediate or other nonfinal action of a state agency is entitled to judicial review of that action in the Superior Court. It also provides that a