

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 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

Joint Standing Committee on Judiciary

decision by the Board of Environmental Protection to dismiss a petition submitted under the Maine Revised Statutes, Title 38, section 341-D, subsection 5 must be accompanied by written findings of fact and an order that may be appealed by the petitioner to the Superior Court.

LD 1423 An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens ONTP

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

LD 1423 requires a plaintiff in a civil case who receives punitive or exemplary damages to distribute 25% of those damages to a statewide nonprofit organization devoted exclusively to law-related charitable work for the purpose of funding access to justice programs.

LD 1453 Resolve, Regarding the Privacy of Social Security Numbers ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINKHAM BRYANT B	ONTP	

LD 1453 requires the Department of Administrative and Financial Services to develop a plan allowing the State, a political subdivision, a private business or other person to request but not require a social security number from a person, except for necessary uses such as for tax, paternity, child support enforcement or credit reporting matters, and prohibits penalizing persons for refusing to give their social security numbers.

LD 1505 An Act To Adopt the Revised Uniform Anatomical Gift Act CARRIED OVER

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

LD 1505 enacts the Revised Uniform Anatomical Gift Act, adopted by the National Conference of Commissioners on Uniform State Laws in 2006. Uniform Comments are included.

LD 1505 is carried over pursuant to Joint Order, HP 1369.

LD 1524 An Act To Increase Judicial Salaries CARRIED OVER

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

LD 1524, submitted by the Judicial Compensation Commission as part of its 2007 report to the Legislature, increases judicial salaries to levels that would have been achieved if the recommendations made in the commission's 1996 report had been fully implemented.

LD 1524 is carried over pursuant to Joint Order, HP 1369.