

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 scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

May 2008

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. ROBERT A. BERUBE
REP. JOAN M. NASS
REP. LAWRENCE E. JACOBSEN
REP. BONNIE S. GOULD
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

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Judiciary

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

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

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 1348 An Act To Amend the Maine Tort Claims Act **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	JT. RULE 309	

LD 1348 raises the limitation on damages under the Maine Tort Claims Act from \$400,000 to \$1,000,000. See also LD 1349.

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

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	JT RULE 309	

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. See also LD 1348.

LD 1505 An Act To Adopt the Revised Uniform Anatomical Gift Act **PUBLIC 601**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-527

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.

Committee Amendment "A" (S-527)

This amendment makes several revisions to the bill to be consistent with other Maine laws and practices, including the Maine Organ Donor Registry currently maintained by the Secretary of State, which is based on information collected through the issuance of driver's licenses. Maine Comments are inserted where appropriate.

Enacted Law Summary

Public Law 2007, chapter 601 enacts the Revised Uniform Anatomical Gift Act. It includes revisions to be consistent with other Maine laws and practices, including the Maine Organ Donor Registry currently maintained by the Secretary of State. Maine Comments are inserted where appropriate. Chapter 601 provides that the Revised

Joint Standing Committee on Judiciary

Uniform Anatomical Gift Act and the other portions of the bill take effect January 1, 2009.

LD 1524 An Act To Increase Judicial Salaries

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

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 1540 An Act To Guarantee Free Speech in Privately Owned Public Gathering Places

ACCEPTED ONTP
REPORT

Sponsor(s)

Committee Report

Amendments Adopted

HINCK

ONTP A
OTP-AM B
OTP-AM C

LD 1540 amends the Maine Civil Rights Act to address the right of free of speech and the right to petition at shopping centers that are privately owned. LD 1540 guarantees the right of free speech, including expressive activities, and the right to petition in the common area of a shopping center, as long as such expressive activities do not interfere with commerce and the free flow of pedestrian traffic. The management of a shopping mall may adopt reasonable time, place and manner regulations. LD 1540 prohibits shopping centers, if they provide space for the posting of announcements, public service messages, proclamations, pamphlets and other such material, from prohibiting posting based on the content except where the prohibition is otherwise consistent with constitutional principles relating to free speech.

Committee Amendment "B" (H-877)

This amendment is a minority report of the Joint Standing Committee on Judiciary. This amendment narrows the bill to address the right to collect petition signatures in support of candidates and state and local initiatives and referenda at shopping malls. A shopping mall is defined as a privately owned enclosed complex that consists of at least 5 retail establishments, grants access to the general public and has at least 200,000 square feet of gross leasable area. This amendment requires that the shopping malls allow such solicitation, subject to reasonable time, place and manner restrictions.

This amendment was not adopted.

Committee Amendment "A" (H-876)

This amendment is a minority report of the Judiciary Committee. This amendment narrows the bill to address the right to collect petition signatures in connection with access to the ballot for a candidate, initiative or referendum at shopping centers that are privately owned. A shopping center is defined as a privately owned complex, enclosed or otherwise, that consists of at least 5 establishments in which merchandise is sold at retail, grants access to the general public and has at least 75,000 square feet of gross leasable area. This amendment requires shopping centers to permit the solicitation of petition signatures and to allow the posting of informational material regarding the petition subject to reasonable time, place and manner restrictions.

This amendment was not adopted.