

MAINE STATE LEGISLATURE

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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

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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

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.