

# 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  
123<sup>RD</sup> 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 123<sup>rd</sup> 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**  
123<sup>RD</sup> 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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

---

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

## Joint Standing Committee on Judiciary

stored-value cards that cannot be reloaded that are initially worth \$5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

### Enacted Law Summary

Public Law 2007, chapter 696 requires a merchant redeeming a gift obligation or stored-value card to refund a balance on the card of less than \$5 to the consumer at the request of the consumer, as long as the card is redeemed in person by the consumer. Prepaid cards for telephone service are exempted from the cash refund requirement. Stored-value cards that are not purchased by a consumer but are provided by the merchant as a promotion or as a refund for merchandise returned without a receipt are also not subject to the cash refund requirement. Gift obligations and stored-value cards that cannot be reloaded that are initially worth \$5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

### LD 2197 An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes

PUBLIC 526

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill addresses grand jury territorial authority.

### Enacted Law Summary

Public Law 2007, chapter 526 does the following.

1. It defines grand jury territorial authority expressly, rather than in terms of trial venue for the Superior Court.
2. It identifies the general rule applicable to grand jury jurisdiction. Grand jury territorial authority to indict for crimes coming within the jurisdiction of the Superior Court must be exercised by the grand jury serving the county where the crime was committed.
3. It introduces a new statutory exception relative to grand juries in judicial regions when such regions are created by the Chief Justice of the Supreme Judicial Court for venue purposes, pursuant to Title 4, section 19. Specifically, it provides that each grand jury in a multicounty judicial region may share authority to indict for crimes committed in that judicial region except as limited by rule or administrative order of the Supreme Judicial Court.
4. It expressly recognizes the existence of special laws that constitute exceptions to the general rule. Chapter 526 also amends Title 15, section 1256 to eliminate that portion that currently contains a definition of a grand jury's territorial jurisdiction, since the new section 1255-A comprehensively addresses a grand jury's jurisdiction. The new language is intended to identify the basic duty imposed upon grand juries, which is to present all crimes over which by law they have jurisdiction.

### LD 2198 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials

PUBLIC 576  
EMERGENCY

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349.



# Joint Standing Committee on Judiciary

## Enacted Law Summary

Public Law 2007, chapter 576 amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349. It maintains the minimum content requirements for the training programs but provides that an elected official who completes a training program that contains all the information contained under the Frequently Asked Questions heading on the State's Freedom of Access law website meets the minimum requirements. Current law directs the Right To Know Advisory Committee to approve the training programs; chapter 576 eliminates that role. Current law requires an elected official to send notice of the completion of the required training to the advisory committee. Chapter 576 requires the elected official to make a record of the completion of the training and either keep it or file it with the public entity to which that official was elected. The record of completion is a public record. The advisory committee is directed to recommend to the Legislature a process for collecting the completion data and making it available to the public. Chapter 576 addresses the application of the mandatory training requirement to elected officials. Current law applies beginning July 1, 2008. This chapter revises the application to Legislators to begin for Legislators elected after November 1, 2008. Chapter 576 also specifically spells out the elected officials who are subject to the training and provides a general description of those who, as part of the duties of their offices, exercise executive or legislative powers as elected officials of regional or other political subdivisions.

Public Law 2007, chapter 696 was enacted as an emergency measure effective April 7, 2008.

## LD 2212 An Act Concerning Public Records Exceptions

PUBLIC 597

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-957

This bill implements the recommendations of the Right To Know Advisory Committee regarding statutory changes to existing public records exceptions. This bill amends the laws concerning: personal contact information of public employees; state employee personnel records; reports, records and working papers of the Office of Program Evaluation and Government Accountability; complaint and investigative files maintained by the State Court Administrator; investigations by the Attorney General of the unauthorized practice of law; the records and proceedings of technology centers; and the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council.

The bill directs the Joint Standing Committee on Judiciary to review the recommendations of the Right To Know Advisory Committee about specific statutory provisions and make recommendations about whether the public record exceptions contained in those provisions should be maintained, modified, repealed or clarified. These provisions were identified in the second annual report of the Right To Know Advisory Committee as raising issues for which more information should be provided by interested parties before final recommendations can be made.

### Committee Amendment "A" (H-957)

This amendment deletes the section of the bill that directs the Joint Standing Committee on Judiciary to review specific public records exceptions and report by December 1, 2008 with recommendations. The committee completed the review and includes the recommendations in this amendment.

This amendment deletes the proposed amendment to the OPEGA statutes. This amendment revises the law governing documents created or stored on a State Government computer to clarify that such documents must be made available in accordance with the freedom of access laws. This amendment narrows the confidentiality of pesticide test results requested by the Board of Pesticides Control to that information that has been determined to be confidential by the Administrator of the United States Environmental Protection Agency in accordance with federal law. This amendment includes language to continue the confidentiality of records of the former Baxter