

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2009

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STATE OF MAINE

124TH 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 124th 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>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<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 First Regular Session of the 124th Legislature is September 12, 2009. 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 25 An Act To Protect Child Victims of Sexual Abuse

ONTP

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

This bill amends the law concerning the admissibility of out-of-court statements by certain victims of sexual assault in criminal prosecutions. This bill allows the admission of statements made by the victim to another person when the statements are not considered testimonial. The bill allows the person to whom the statement was made to repeat the statement in testimony in open court if the statement was made in circumstances having sufficient guarantees of trustworthiness, and the person testifying can be confronted and cross-examined as required under the Constitution of Maine or the United States Constitution. This bill applies to statements made by a victim who has a developmental disability as well as to children under 16 years of age. Whether the circumstances have sufficient guarantees of trustworthiness is determined by the facts of each case.

LD 135 An Act To Increase Mileage Reimbursement for Jurors

ONTP

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

This bill increases the mileage paid a juror from 15 cents a mile to 32 cents a mile for each day of required attendance at sessions of court.

LD 162 An Act To Clarify Child Abuse and Neglect Information Disclosure

PUBLIC 38

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

The Maine Revised Statutes, Title 22, section 4008-A sets forth the limits of disclosure of information in the investigation of abuse and neglect of children and in the confidentiality of records pertaining to child abuse and neglect. The federal Department of Health and Human Services, Administration for Children and Families has informed the State that corrections are needed in this section of the statutes to be in compliance with the federal Adoption and Safe Families Act of 1997, the Child Abuse Prevention and Treatment Act and the Social Security Act. The bill removes the word “visitor” and clarifies the persons eligible to receive information, namely guardians ad litem and attorneys. The bill revises language to clarify the responsibility of the department to make public disclosure of the findings in situations where there has been a child fatality or near fatality as long as the disclosure does not jeopardize a criminal investigation or proceeding.

Enacted Law Summary

Public Law 2009, chapter 38 amends the child protection confidentiality statutes to comply with the federal

Joint Standing Committee on Judiciary

Adoption and Safe Families Act of 1997, the Child Abuse Prevention and Treatment Act and the Social Security Act. It clarifies the persons eligible to receive information, namely guardians ad litem and attorneys. Chapter 38 revises language to clarify the responsibility of the department to make public disclosure of the findings in situations where there has been a child fatality or near fatality as long as the disclosure does not jeopardize a criminal investigation or proceeding.

LD 291 An Act To Exempt Breast-feeding Mothers from Jury Duty

ONTP

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

This bill allows a mother who is breast-feeding to request a deferral from jury duty as long as she is breast-feeding and does not require the mother to appear in court if the request is made in writing.

LD 300 An Act To Increase Child Support Collection by Expanding the New Hire Reporting Requirements

PUBLIC 198

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	S-117

The purpose of this bill is to increase child support collection by expanding the new hire reporting requirements to include the reporting of independent contractors by any employer who is already required to report new hires.

Committee Amendment "A" (S-117)

This amendment revises the bill to apply to independent contractors when the payments to the independent contractor are anticipated to equal or exceed \$2,500 in a year. The bill had a lower threshold of \$600.

This amendment exempts direct sellers as defined in the federal Internal Revenue Code from the definition of "independent contractor."

Enacted Law Summary

Public Law 2009, chapter 198 requires the reporting of independent contractors in the new hire reporting system when the payments to the independent contractor are anticipated to equal or exceed \$2,500 in a year. Direct sellers are exempted from the definition of "independent contractor."

LD 301 An Act To Require Home Sellers To Disclose Energy Usage Data

LEAVE TO WITHDRAW

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