

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2009

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# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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 124<sup>th</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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124<sup>th</sup> 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*

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	

# Joint Standing Committee on Judiciary

This bill is a concept draft pursuant to Joint Rule 208.

This bill would require that a home seller provide to a prospective home buyer a listing of typical utility and energy use for that home, including but not limited to electricity use and home heating and hot water heating energy sources and their use.

## LD 324 An Act To Allow Limited Information Sharing in Domestic Violence Cases

PUBLIC 181

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL SIMPSON	OTP-AM	H-213

The purpose of this bill is to allow law enforcement agencies to share investigative reports with family violence projects and other providers of services to victims. This bill amends the criminal history record information laws to provide an exception to the prohibition on the dissemination of intelligence and investigative information consistent with the existing law concerning the dissemination of nonconviction information.

### Committee Amendment "A" (H-213)

This amendment allows a criminal justice agency to share intelligence and investigative information with an advocate for victims of family or domestic violence pursuant to an agreement between the advocate and the criminal justice agency. The agreement must contain, at a minimum, specific requirements governing the use and dissemination of the information. This amendment creates a Class E crime for the intentional dissemination of a report or record containing intelligence and investigative information in violation of the section.

### Enacted Law Summary

Public Law 2009, chapter 181 allows a criminal justice agency to share intelligence and investigative information with an advocate for victims of family or domestic violence pursuant to an agreement between the advocate and the criminal justice agency. The agreement must contain, at a minimum, specific requirements governing the use and dissemination of the information. Chapter 181 creates a Class E crime for the intentional dissemination of a report or record containing intelligence and investigative information in violation of the section.

## LD 326 An Act To Allow the Request for and Granting of Permanent Protection from Abuse Orders

ONTP

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

This bill allows a person to request a permanent protection from abuse order from the court and allows the court to issue such an order.