

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:

| | |
|---|---|
| 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 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 427

An Act To Require School Bus Drivers and School Bus Attendants To Report Suspected Child Abuse

PUBLIC 41

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| EATON | OTP | |

This bill requires school bus drivers and school bus attendants to report, or cause a report to be made, to the Department of Health and Human Services if they suspect child abuse or neglect has occurred or is likely to occur.

Enacted Law Summary

Public Law 2009, chapter 41 requires school bus drivers and school bus attendants to report, or cause a report to be made, to the Department of Health and Human Services if they suspect child abuse or neglect has occurred or is likely to occur.

LD 428

An Act To Amend the Laws Concerning Wrongful Death

PUBLIC 180

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DILL BLISS | OTP-AM | H-212 |

This bill amends the intestate succession and wills laws concerning wrongful death by increasing the amount of punitive damages that may be awarded from \$75,000 to \$250,000. The bill also clarifies that claims for pecuniary losses are not lost by the death of either party.

Committee Amendment "A" (H-212)

This amendment ensures that the two-year statute of limitations applies to all wrongful death actions, not just those actions for punitive damages as implied in the bill. This amendment includes the increase of the cap on punitive damages from \$75,000 to \$250,000. This amendment deletes section 2 of the bill, which specified that claims for pecuniary losses are not lost by the death of either party.

Enacted Law Summary

Public Law 2009, chapter 180 increases the cap on punitive damages in wrongful death actions from \$75,000 to \$250,000.

LD 443

An Act To Increase the Jurisdictional Limit for Small Claims

PUBLIC 428

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| CLEARY BRANNIGAN | OTP-AM | H-335 |