

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

Joint Standing Committee on Judiciary

This bill increases the jurisdictional limit for small claims damages from \$4,500 to \$10,000 and increases the filing fee for small claims actions for damages over \$4,500 to \$120.

Committee Amendment "A" (H-335)

This amendment reduces the increase in the jurisdictional limit for small claims actions to \$6,000, which is comparable with the rate of inflation since 1997. This amendment incorporates the concept included in Legislative Document 375, which is to allow a person to use small claims court to collect a claim on a debt or contract as long as the amount claimed is within the jurisdictional limits for small claims, even if the actual debt or contract has a higher value. The judgment on the amount claimed, however, is a final judgment with regard to the total debt or contract. This amendment does not prohibit a person who purchases debt from using small claims court to collect the debts, but it does require the plaintiff in such cases to file a statement with the complaint that lists the name and address of the original creditor. This amendment provides that the Legislature's intent is to increase access to justice and not to reduce revenue from filing fees. This amendment includes a recommendation to the Supreme Judicial Court that it review filing fees and revise them appropriately. This amendment adds an appropriations and allocations section to the bill.

Enacted Law Summary

Public Law 2009, chapter 428 increases the jurisdictional limit for small claims actions to \$6,000, which is comparable with the rate of inflation since 1997. Chapter 428 allows a person to use small claims court to collect a claim on a debt or contract as long as the amount claimed is within the jurisdictional limits for small claims, even if the actual debt or contract has a higher value. The judgment on the amount claimed, however, is a final judgment with regard to the total debt or contract. A person who purchases debt may use small claims court to collect the debts, but the plaintiff must file a statement with the complaint that lists the name and address of the original creditor. Chapter 428 states that the Legislature's intent is to increase access to justice and not to reduce revenue from filing fees; it includes a recommendation to the Supreme Judicial Court that it review filing fees and revise them appropriately.

LD 444 An Act To Allow a Verdict in a Criminal Trial To Be Considered a De Minimis Infraction ONTP

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

This bill changes the requirements of allowing a court to dismiss a criminal offense based upon de minimis conduct by limiting the consideration to a Class D or Class E crime and by allowing a jury to also consider the de minimis conduct.

LD 445 An Act To Improve Tribal-State Relations Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS		H-516

This bill expressly provides that the law authorizing public agencies to enter interlocal agreements includes the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Aroostook Band of