

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

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

Joint Standing Committee on Judiciary

Micmacs or any of their political subdivisions.

Committee Amendment "A" (H-516)

This amendment replaces the bill. It provides for a seat for a representative of the Houlton Band of Maliseet Indians in the House of Representatives by directing the process for informing the Legislature of the name and residence of the elected representative. It also establishes compensation at the same level as being proposed for the Passamaquoddy Representative and the Penobscot Representative in LD 1428 (State and Local Government Committee). The changes take effect in time for the convening of the 125th Legislature in December 2010. The amendment also adds an appropriations and allocations section.

LD 445 was recommitted to the Judiciary Committee and carried over pursuant to Joint Order, H.P. 1053.

This amendment deletes the appropriations and allocations section.

LD 455 An Act Regarding Parents' Rights

ONTP

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

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

It proposes to amend the law to prevent discrimination against parents with mental illness.

LD 461 An Act To Adopt Amendments to the Uniform Interstate Family Support Act

PUBLIC 95

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

This bill amends, repeals and enacts new sections of the Uniform Interstate Family Support Act in accordance with the most recent amendments approved by the National Conference of Commissioners on Uniform State Laws during its meeting in July 2008.

Enacted Law Summary

Public Law 2009, c. 95 amends, repeals and enacts new sections of the Uniform Interstate Family Support Act in accordance with the most recent amendments approved by the National Conference of Commissioners on Uniform State Laws during its meeting in July 2008. In addition to numerous technical changes, chapter 95:

1. Enacts a section that specifies what provisions of the Uniform Interstate Family Support Act apply to a resident of a foreign country and a foreign support proceeding;
2. Enacts a provision that specifies that, notwithstanding the restrictions on modification stated elsewhere in the Uniform Interstate Family Support Act, a tribunal of this State retains jurisdiction to modify an order issued by a tribunal of this State if one party resides in another state and the other party resides in a foreign country;