

# MAINE STATE LEGISLATURE

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



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

April 2010

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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 Second 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:

<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 HOUSES</i> .....	<i>House &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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 Second Regular Session of the 124<sup>th</sup> Legislature is Monday, July 12, 2010. 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 445 An Act To Improve Tribal-State Relations

PUBLIC 636

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST BLISS	OTP-AM	H-714

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

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 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. 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 Committee Amendment was initially adopted during the First Regular Session, but was replaced by Committee Amendment "B" in the Second Regular Session.

### **Committee Amendment "B" (H-714)**

This amendment replaces the bill.

Part A of this amendment makes statutory changes necessary to include a representative of the Houlton Band of Maliseet Indians in the Maine House of Representatives beginning with the Second Regular Session of the 125th Legislature in January 2012.

Part B of this amendment adds a 714-acre parcel of land located in a portion of the unorganized territory known as Argyle East Parcel in Penobscot County to the Penobscot Indian Reservation.

Part C of this amendment addresses the process of developing the budget for the Maine Indian Tribal-State Commission.

Part D of this amendment clarifies that the laws specifically addressing interlocal cooperation agreements expressly include the federally recognized Indian tribes of the Passamaquoddy Tribe and the Penobscot Nation.

### **Enacted Law Summary**

Public Law 2009, chapter 636 is divided into four parts.

Part A makes statutory changes necessary to include a representative of the Houlton Band of Maliseet Indians in the Maine House of Representatives beginning with the Second Regular Session of the 125th Legislature in January 2012. It adds the Representative of the Houlton Band of Maliseet Indians to the compensation language for members of the House of Representatives.

## *Joint Standing Committee on Judiciary*

Part B adds a 714-acre parcel of land located in a portion of the unorganized territory known as Argyle East Parcel in Penobscot County to the Penobscot Indian Reservation. This provision takes effect only if approved by the Penobscot Nation and certification of the approval is received by the Secretary of State within 90 days of the adjournment of the Second Regular Session of the 124th Legislature.

Part C addresses the process of developing the budget for the Maine Indian Tribal-State Commission. These changes to the Maine Implementing Act take effect only if approved by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and certification of the approval is received by the Secretary of State within 90 days of the adjournment of the Second Regular Session of the 124th Legislature.

Part D clarifies that the laws specifically addressing interlocal cooperation agreements expressly include the federally recognized Indian tribes of the Passamaquoddy Tribe and the Penobscot Nation. The Passamaquoddy Tribe and the Penobscot Nation and their political subdivisions may participate in the activities authorized under those laws as parties to such agreements. Part D also clarifies that those laws do not apply to and do not affect any agreement to which a federally recognized Indian tribe is a party if the agreement has not been entered into under the authority of those laws.

### **LD 529      An Act To Create a Traffic Court**

**ONTP**

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

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

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

This bill proposes to move the Violations Bureau from the District Court of the Judicial Branch to the office of the Secretary of State.

### **LD 1256      An Act To Provide Protections for Consumers Subject to Mandatory Arbitration Clauses**

**PUBLIC 572**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BLISS	OTP-AM	H-715

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053

This bill prohibits predispute mandatory binding arbitration clauses in consumer contracts.

#### **Committee Amendment "A" (H-715)**

This amendment replaces the bill. It amends the current law concerning consumer arbitration agreements by repealing the existing requirement that arbitration providers that provide arbitration services related to credit or loans for personal, family or household purposes report to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation. Instead, providers of arbitration services are required to make available information about consumer arbitrations occurring in this State.