

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

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;

Joint Standing Committee on Judiciary

3. Enacts a section that specifies how a foreign support order not subject to the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance may be modified in this State; and
4. Enacts a new subchapter on support proceedings subject to the Convention that specifies how a foreign support order subject to the Convention may be enforced or modified in this State.

LD 466 An Act To Amend the Limited Liability Company Laws Concerning Management Standards

PUBLIC 164

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-118

This bill amends the Maine Limited Liability Company Act.

1. It repeals language that requires that, after dissolution of a limited liability company but before filing a certificate of cancellation, the articles of organization must be amended to reflect information about persons winding up the company's affairs and that requires such persons to file articles of amendment.
2. It provides that if the articles of organization provide that management vests in one or more managers, a member of a limited liability company who is not also a manager owes no duties to the company or to other members solely by reason of being a member.

Committee Amendment "A" (S-118)

This amendment clarifies that even if the articles of organization were not amended before the certificate of cancellation was filed under the Maine Revised Statutes, Title 31, section 623, former subsection 5, the certificate is still effective. This amendment clarifies that the limited liability company member who is not a manager does not owe any duties under the section of law that spells out the duties of the limited liability company and the other members. This amendment also amends the provisions concerning the winding up of a limited liability company to specify that the failure to comply with the former listing requirement does not affect the rights, duties, powers or authority of persons winding up the affairs of the limited liability company.

Enacted Law Summary

Public Law 2009, chapter 164 amends the Maine Limited Liability Company Act concerning dissolution and the winding up of the company's affairs. It also provides that if the articles of organization provide that management vests in one or more managers, a member of a limited liability company who is not also a manager owes no duties to the company or to other members solely by reason of being a member.

LD 477 An Act To Fund State Drug Prosecutors

ONTP

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

This bill transfers funding for six Assistant Attorney General positions and one Secretary Associate Legal position from the Federal Expenditures Fund to the General Fund.