

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
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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 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:

<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 BODIES</i>	<i>House & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 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 484 **An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact** **ONTP**

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

This bill removes the statute of limitations for a civil action based upon the complaint of unlawful sexual contact.

LD 487 **An Act To Increase Judicial Salaries** **ONTP**

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

This bill, submitted by the Judicial Compensation Commission as part of its December 2008 report to the Legislature, increases judicial salaries to levels that would have been achieved if the recommendations made in the commission's 1996 report had been fully implemented.

LD 488 **An Act To Address an Inequity in the Judicial Retirement System** **PUBLIC 254**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-174

Public Law 2007, chapter 449 amended the judicial retirement laws to include in the calculation of retirement benefits the cost-of-living adjustments that were not paid to judges during fiscal years 2003-04 and 2004-05. It applied only to judges who retired on or after the effective date of chapter 449, which was September 20, 2007. Five justices or judges worked during the two-year period in which COLAs were withheld, but retired before September 20, 2007. This bill amends the judicial retirement laws to provide that for any judge who served during the two fiscal years in which the COLAs were not paid, the earnable compensation for retirement benefit calculation purposes includes the COLAs that would have been paid.

Committee Amendment "A" (S-174)

This amendment requires that the judges and justices who may benefit from revision of the application of the imputed salary, as provided in Public Law 2007, chapter 449, must pay all costs to the retirement program associated with including that salary in order to receive the increased benefits.

Enacted Law Summary

A previously enacted law (PL 2007, c. 449) amended the judicial retirement laws to include in the calculation of retirement benefits the cost-of-living adjustments that were not paid to judges during fiscal years 2003-04 and 2004-05. It applied only to judges who retired on or after the effective date of chapter 449, which was September

Joint Standing Committee on Judiciary

20, 2007. Five justices or judges worked during the two-year period in which COLAs were withheld, but retired before September 20, 2007. Public law 2009, chapter 254 amends the judicial retirement laws to provide that for any judge who served during the two fiscal years in which the COLAs were not paid, the earnable compensation for retirement benefit calculation purposes includes the COLAs that would have been paid.

LD 491 An Act To Reform Maine's Judicial System

ONTP

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

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

This bill proposes to:

1. Ensure that claims of due process violations by state court judges be heard in federal courts of law;
2. Direct the Attorney General to initiate a class action lawsuit against judges, and allow citizens of the State with claims of violations of constitutional rights by state court judges to join the class action lawsuit;
3. Establish a procedure to provide redress to persons with complaints against Legislators and government employees;
4. Eliminate the prelitigation screening panel requirement for medical malpractice claims; and
5. Repeal state laws regulating the practice of law.

**LD 502 An Act To Require Additional Information in the Annual Reports of
Nonprofit Corporations**

ONTP

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

This bill adds to the content requirements of the annual report that nonprofit corporations must file with the Secretary of State:

1. The salaries paid to the president, treasurer, registered agent, secretary or clerk and directors; and
2. A summary of annual gross revenues and gross expenses.