

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 581 An Act To Allow Law Enforcement Officers To Obtain a Personal Recognizance Bond in Certain Cases

PUBLIC 205

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-239

This bill amends the civil order of arrest law by allowing a sheriff to release a debtor upon the debtor's personal recognizance and increases the costs of the arrest order from \$25 to \$50 and the mileage rate from 22¢ to 42¢ per mile.

Committee Amendment "A" (H-239)

This amendment deletes the proposed increase in the fee for issuing and serving civil orders of arrest, and for civil arrest and custody under arrest, paid to sheriffs and their deputies.

Enacted Law Summary

Public Law 2009, chapter 205 amends the civil order of arrest law by allowing a sheriff to release a debtor upon the debtor's personal recognizance and increases the mileage rate paid for serving the arrest warrant from 22¢ to 42¢ per mile.

LD 582 An Act To Amend the Statute of Limitations for Actions against the Estate of a Decedent

PUBLIC 368

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL SIMPSON	OTP-AM	H-458

This bill allows a claim for personal injuries against the estate of a decedent within the statute of limitations for that claim if the claimant did not have actual notice of the death of the decedent. Any recovery is limited to applicable insurance.

Committee Amendment "A" (H-458)

This amendment replaces section 3 of the bill to clarify the process for bringing a personal injury claim against a decedent. It allows the commencement of probate proceedings in relation to a claim for personal injuries against a decedent within six years after the cause of action accrues if the claimant did not have actual notice of the death of the decedent. Any recovery in respect to proceedings commenced beyond three years after the decedent's death is limited to applicable insurance.

Enacted Law Summary

Public Law 2009, chapter 368 allows the commencement of probate proceedings in relation to a claim for personal injuries against a decedent within six years after the cause of action accrues if the claimant did not have actual notice of the death of the decedent. This is consistent with the statute of limitations for personal injury actions. The fact that the Maine Revised Statutes, Title 14, section 853 could apply to toll the statute of limitations in a particular action does not extend the time to commence probate, appointment or testacy proceedings beyond six years after the cause of action accrues. Any recovery in respect to proceedings commenced beyond three years after the decedent's death is limited to applicable insurance.