

# MAINE STATE LEGISLATURE

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



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2009

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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 First 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:

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 124<sup>th</sup> 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 614 An Act To Improve Child Support Collection Procedures by Changing the Process of Modifying a Support Order**

**PUBLIC 158**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM	S-105

This bill strikes language that prohibits enforcement activities concerning past due child support payments once a noncustodial parent has filed a motion to amend ongoing payments.

**Committee Amendment "A" (S-105)**

This amendment repeals two provisions concerning the notice to the child support obligor who owes child support arrearages before a professional, recreational or driver's license is revoked. Eliminating these provisions is consistent with the bill's elimination of the automatic stay of enforcement actions when a motion to modify current child support is filed.

**Enacted Law Summary**

Public Law 2009, chapter 158 deletes language that prohibits enforcement activities - suspension and revocation of professional, recreational and driver's licenses - concerning past due child support payments once a noncustodial parent has filed a motion to amend ongoing payments.

**LD 615 An Act To Strengthen Landowner Rights in Certain Eminent Domain Situations**

**ONTP**

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

This bill modifies the law governing the exercise of eminent domain by public utilities. Under current law, an owner can apply to the county commissioners to settle the amount of damages paid by the utility to the owner. Under this bill, the owner is provided the option of having an independent appraiser, approved by the owner and paid for by the utility, establish the amount of damages. The amount determined under this process is required to include the effect of the taking on the value of surrounding land of the owner not taken by the utility.

**LD 640 An Act To Ensure Public Access to Records Relating to Public Contracts for Personal Services**

**PUBLIC 221**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BERRY MCCORMICK	OTP-AM	H-292

This bill provides that records of personal services work performed by private contractors pursuant to a contract with the State are open to the public to the same extent as records relating to work performed directly by the State.

## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-292)**

This amendment clarifies that proprietary information of the contractor is not public. "Proprietary information" is defined as information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available.

The public access provision applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

LD 640, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

### **Enacted Law Summary**

Public Law 2009, chapter 221 provides that records of personal services work performed by private contractors are open to the public to the same extent as records relating to work performed directly by the State, although proprietary information of the contractor is not public. "Proprietary information" is defined as information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not considered proprietary information and must be treated as a public record. The public access provision applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

### **LD 642      An Act To Protect Parental Relationships during and after Divorce**

**ONTP**

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

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

This bill seeks to provide that when a parent's relationship with a minor child of that parent is negatively affected by a court order either during or after a proceeding for divorce and the court has not made a finding of unfitness with respect to that parent, that parent must immediately be given an opportunity to repair the relationship with the child in keeping with the best interests of the child.

### **LD 643      An Act To Authorize a Court To Appoint a Parenting Coordinator To Assist in Domestic Relations Actions**

**PUBLIC 345**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-459