

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.

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2010.

LD 689 **An Act Regarding Guardians Ad Litem** **ONTP**

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

This bill requires a court to appoint a guardian ad litem in a case of domestic abuse involving a minor unless the court determines a guardian ad litem is not necessary.

LD 702 **An Act To Allow the Donation of Certain Perishable Food Products to Nonprofit Organizations** **PUBLIC 168**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROWNE DAVIS G	OTP	

This bill amends the law that establishes immunity for the donors and distributors of certain good faith food donations by clarifying that the immunity extends to donations of food that is beyond the date by which the manufacturer recommends that the food be sold.

Enacted Law Summary

Public Law 2009, chapter 168 amends the law that establishes immunity for the donors and distributors of certain good faith food donations by clarifying that the immunity extends to donations of food that is beyond the date by which the manufacturer recommends that the food be sold.

LD 703 **An Act Regarding Claims for Civil Perjury** **PUBLIC 187**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT J MILLS P	OTP	

This bill codifies the holding in *Bean v. Cummings*, 2008 ME 18, concerning actions for civil perjury.

This bill repeals and replaces the current law on civil perjury, retaining the substance of the law while adding specific requirements for the civil perjury action.

Enacted Law Summary

Public Law 2009, chapter 187 codifies the holding in *Bean v. Cummings*, 2008 ME 18, concerning actions for civil perjury. It requires that the plaintiff include in the initial pleadings the specific testimony in the former trial that the plaintiff claims is perjury. The claim may not be submitted based solely on the record of the original trial. Evidence is not admissible if it was discoverable by due diligence before the former trial. The plaintiff must prove the alleged perjury by clear and convincing evidence. It is an affirmative defense that the defendant may raise and prove that

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the plaintiff has no new evidence to present concerning the alleged perjury. The pleading and proof requirements must be strictly construed.

LD 716 An Act To Change the Definition of "Domestic Partner" in the Laws Governing Custody of Remains

PUBLIC 159

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

This bill changes the definition of "domestic partner" in the laws governing the custody of remains to make it consistent with other laws.

Enacted Law Summary

Public Law 2009, chapter 159 changes the definition of "domestic partner" in the laws governing the custody of remains to make it consistent with other laws.

LD 734 An Act To Provide for Treble Damages for Injuries Caused by a Person under the Influence of Alcohol or Drugs

ACCEPTED ONTP REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BARTLETT	ONTP MAJ OTP MIN	

This bill allows for treble recovery of compensatory damages for bodily injury caused by negligence involving operating a motor vehicle under the influence of alcohol or illegal drugs.

LD 742 An Act To Amend the Composition of the Maine Commission on Domestic and Sexual Abuse

PUBLIC 257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-166

This bill makes several changes to the membership of the Maine Commission on Domestic and Sexual Abuse. It reduces the number of members-at-large from eight to six, adds up to four members who are representatives of underserved populations and adds one member who provides services to tribal victims of domestic or sexual violence. All of these members are appointed by the Governor.

Committee Amendment "A" (S-166)

This amendment clarifies that one member of the Maine Commission on Domestic and Sexual Abuse be a tribal member and provide services, as part of a tribal program, to tribal members who are victims of domestic or sexual violence.

Enacted Law Summary