

# 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  
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 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

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**

## Joint Standing Committee on Judiciary

Public Law 2009, chapter 257 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 must be a tribal member who provides services, as part of a tribal program, to tribal members who are victims of domestic or sexual violence. All of these members are appointed by the Governor.

**LD 756      An Act To Discourage the Misuse of the Process for Obtaining  
Protection from Abuse**

**ONTP**

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

This bill addresses several issues in the protection from abuse laws.

1. It provides that a protection order may be extended, but only for a time certain, not to exceed 2 years. Current law does not put a time limit on extensions.
2. It provides that an order entered as a consent agreement cannot be extended without the consent of both parties.
3. It requires the court to order the plaintiff to pay the reasonable attorney's fees of the defendant if the court finds that the allegations made by the plaintiff were false or substantially inadequate to rise to the level of meriting relief or that the allegations were made with the intent to harass the defendant.
4. It provides that the court may not order a continuance of an ex parte protection order when the plaintiff did not prove abuse in order to allow the plaintiff to initiate a parental rights and responsibilities action.
5. It clarifies that discovery under the Maine Rules of Civil Procedure, Rule 26 applies to actions under the protection from abuse laws.
6. It provides that protection from abuse actions have priority on the court's docket over all other civil actions other than child protective custody hearings.

See also LD 1143.

**LD 777      An Act To Provide for an Expiration Date for Certain Harassment  
Notices**

**PUBLIC 246**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRANG BURGESS MILLS P	OTP-AM	H-315

This bill requires that criminal trespass orders and protection from harassment orders issued by law enforcement officers expire two years after they are issued and requires a hearing in District Court within 21 days of the issuance of the order, except for a criminal trespass order concerning a residence.

**Committee Amendment "A" (H-315)**