

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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MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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 797 An Act To Fully Implement the Legislative Intent in Prohibiting Offensive Place Names

PUBLIC 284

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL W SCHNEIDER	OTP-AM	H-312

This bill clarifies the law concerning offensive place names prohibiting the use of terminology degrading towards women by prohibiting any derivation of "squaw" or "squa" as a separate word or as part of a word or phrase.

Committee Amendment "A" (H-312)

This amendment provides that use of "squa" as a separate syllable in a word is also prohibited in naming places.

Enacted Law Summary

Public Law 2009, chapter 284 clarifies the law concerning offensive place names prohibiting the use of terminology degrading towards women by prohibiting any derivation of "squaw" or "squa" as a separate word or as part of a word or phrase, and the use of "squa" as a separate syllable in a word.

LD 803 An Act To Authorize an Active Retired Justice or Judge To Conduct Arbitration and Chair Medical Malpractice Screening Panels

PUBLIC 136

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-106

This bill amends the law to allow an active retired justice or judge to conduct arbitration and chair medical malpractice screening panels in addition to those retired justices and judges who may perform those duties now.

Committee Amendment "A" (S-106)

This amendment amends the law to allow an active retired justice or judge to chair medical malpractice screening panels in addition to those retired justices and judges who may perform those duties now. This amendment also permits the Supreme Judicial Court to adopt rules that would permit an active retired justice or judge to conduct arbitration. This amendment also includes technical changes to the Maine Revised Statutes, Title 4, section 104 to clarify that the Chief Justice of the Superior Court is authorized to direct and assign an Active Retired Justice of the Superior Court and that an Active Retired Justice of the Superior Court is entitled to reimbursement for expenses actually and reasonably incurred in the performance of duties. These technical changes also make the law as applied to an Active Retired Justice of the Superior Court compatible with Title 4, section 157-B regarding an Active Retired Judge of the District Court.

Enacted Law Summary

Public Law 2009, chapter 136 amends the law to allow an active retired justice or judge to conduct arbitration and chair medical malpractice screening panels and permits the Supreme Judicial Court to adopt rules that would permit an active retired justice or judge to conduct arbitration. Chapter 136 also includes technical changes to the Maine Revised Statutes, Title 4, section 104 to clarify that the Chief Justice of the Superior Court is authorized to direct and assign an Active Retired Justice of the Superior Court and that an Active Retired Justice of the Superior Court is entitled to reimbursement for expenses actually and reasonably incurred in the performance of duties. These

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technical changes also make the law as applied to an Active Retired Justice of the Superior Court compatible with Title 4, section 157-B regarding an Active Retired Judge of the District Court.

**LD 826 An Act To Protect Recreational Trails on Private Land by Exempting
Certain Information on Recreational Trails from the Definition of
"Public Records"**

PUBLIC 176

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-211

This bill exempts from the definition of "public records" information in the possession of the Department of Conservation, Bureau of Parks and Lands regarding recreational trails that are located on private land and are authorized voluntarily as such by the landowner.

Committee Amendment "A" (H-211)

This amendment narrows the exception to the definition of "public records." This amendment provides that geographic information about recreational trails is not a public record for trails located on private lands for which the landowners have voluntarily authorized the use of the trails, but there is no public deed or guaranteed right of public access for the trails. If the landowner authorizes the release of the information, it becomes a public record. Other information about the trails continues to be public.

LD 826, 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 176 provides that geographic information about recreational trails is not a public record for trails located on private lands for which the landowners have voluntarily authorized the use of the trails, but there is no public deed or guaranteed right of public access for the trails. If the landowner authorizes the release of the information, it becomes a public record. Other information about the trails continues to be public.

**LD 827 An Act To Exempt Protection from Abuse Orders from the Notification
and 30-day Waiting Period Requirements under the Uniform
Enforcement of Foreign Judgments Act**

**PUBLIC 202
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M HOBBINS	OTP-AM	H-240

This bill exempts foreign protection orders from the requirements of providing notice to the defendant and the 30-day waiting period for enforcement. This bill also exempts from registration, docketing, transcription or other enforcement fees the filing of a foreign protection order.

Committee Amendment "A" (H-240)

This amendment adds an emergency preamble and emergency clause to the bill.