

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

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.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2009, chapter 202 exempts foreign protection orders from the requirements of providing notice to the defendant and the 30-day waiting period for enforcement. Chapter 202 also exempts from registration, docketing, transcription or other enforcement fees the filing of a foreign protection order.

Public Law 2009, chapter 202 was enacted as an emergency measure effective May 26, 2009.

LD 828 An Act To Enhance the Shielding of Journalists' Sources

ACCEPTED ONTP
REPORT

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

This bill expands the protections of the journalist shield law to include all information, both confidential and nonconfidential, received by a journalist acting in a journalistic capacity as well as the source of that information.

LD 882 An Act To Consolidate and Modernize Maine's Courts

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL E	OTP-AM	

This bill increases the maximum amount of securities that may be issued by the Maine Governmental Facilities Authority for specific allocation to the judicial branch. The increase will be used to fund projects for court facilities in Augusta, Dover-Foxcroft and Machias.

Committee Amendment "A" (S-154)

This amendment corrects the total amount to be available for the identified court construction and renovation projects.

The amendment also adds an appropriations and allocations section.

LD 882 was incorporated in the Committee Amendment to LD 353 (Budget), and is Part WWW of Public Law 2009, chapter 213.

LD 889 An Act To Limit Liability for Certain Noncommercial Aviation Activities

PUBLIC 156

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