

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:

<i>CARRIED OVER</i>	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

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

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	

Joint Standing Committee on Judiciary

This bill amends the landowner recreational liability law to include noncommercial aviation activities in the definition of "recreational or harvesting activities." A landowner who allows recreational or harvesting activities on the landowner's property is not liable for injuries or property damage that happens to those members of the public taking part in that activity.

Enacted Law Summary

Public Law 2009, chapter 156 amends the landowner recreational liability law to include noncommercial aviation activities in the definition of "recreational or harvesting activities." A landowner who allows recreational or harvesting activities on the landowner's property is not liable for injuries or property damage that happens to those members of the public taking part in that activity.

LD 897 An Act To Prohibit Mandatory Binding Arbitration ONTP

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

This bill requires agreements to submit to arbitration to be optional, except for collective bargaining agreements.

See LD 1256.

LD 898 An Act To Amend the Law Pertaining to Permanently Restricted Funds of Municipal Public Libraries ONTP

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

This bill allows the governing board of a municipal public library to spend the dividend and interest income of an endowment fund, even if the fair value of the endowment fund is less than the historic dollar value of the endowment fund.

See LD 1402.

LD 944 An Act To Increase the Evidentiary Standard Required To Establish a Guardianship PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-479

This bill amends the Probate Code to require clear and convincing evidence to support court findings under the Probate Code in guardianship and conservatorship proceedings. The two exceptions are that findings necessary to remove a guardian or conservator must be made upon a preponderance of the evidence and that a conservator