

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

LD 962 **An Act To Protect Family Caregivers**

**DIED ON
ADJOURNMENT**

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

This bill amends the Maine Human Rights Act to expand the protections against discrimination in employment to include family caregivers. "Family caregiver" means a person who cares for that person's child, parent, spouse, domestic partner or sibling.

Committee Amendment "A" (H-295)

This amendment is the majority report. This amendment clarifies the definition of "family member," which the bill added to the Maine Human Rights Act, to cross-reference the definitions of "domestic partner" and "sibling" in the laws concerning family medical leave. This amendment directs that the addition of family caregiver status as a category protected from employment discrimination may not be construed to require an employer to provide accommodation for family caregivers. (Not adopted)

Senate Amendment "A" To Committee Amendment "A" (S-259)

This amendment deletes the section of Committee Amendment "A" that establishes a rule of construction in unallocated language. This amendment adds a new provision to the Maine Human Rights Act in the description of what constitutes unlawful discrimination to clarify that a claim for unlawful discrimination based on family caregiver status may be maintained only by proof that the complaining party has been harmed by a covered entity's bias, prejudice or unwarranted stereotyping relating to the claimant's status as a family caregiver. The new provision provides that the inclusion of family caregiver status as a prohibited category of discrimination does not create a right to accommodation or impose any duty on employers to alter work schedules or other conditions of employment. (Not adopted)

LD 981 **Resolve, To Establish a Study Commission To Examine the Issue of Eminent Domain**

ONTP

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

This resolve establishes a study commission to examine the issue of eminent domain and to ascertain when it is proper to use eminent domain. The commission must submit a report and suggested legislation to the Joint Standing Committee on the Judiciary, which has authority to submit legislation to the Second Regular Session of the 124th Legislature.