

# 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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**STAFF:**

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

# STATE OF MAINE

124<sup>TH</sup> LEGISLATURE  
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## 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

### LD 1006 An Act To Create the Probate and Trust Law Advisory Commission

PUBLIC 262

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL HASTINGS	OTP-AM	H-349

This bill establishes the Probate and Trust Law Advisory Commission, which is modeled on the Family Law Advisory Commission and the Criminal Law Advisory Commission, to conduct an ongoing evaluation of probate and trust laws and to recommend amendments based on that examination.

#### Committee Amendment "A" (H-349)

This amendment deletes the payment of expenses to the Probate and Trust Law Advisory Commission. Members of the commission will not receive compensation. This amendment directs the Chief Justice of the Supreme Judicial Court, rather than the Governor, to appoint two Probate Court Judges to the commission. This amendment requires the commission to report on its activities by January 15th in 2010 and 2011.

#### Enacted Law Summary

Public Law 2009, chapter 262 establishes the Probate and Trust Law Advisory Commission, which is modeled on the Family Law Advisory Commission and the Criminal Law Advisory Commission, to conduct an ongoing evaluation of probate and trust laws and to recommend amendments based on that examination.

### LD 1020 An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAMON	OTP-AM A ONTP B OTP-AM C	S-109

This bill repeals the provision that limits marriage to one man and one woman and replaces it with the authorization for marriage between any two persons that meet the other requirements of Maine law. It also specifies that a marriage between two people of the same sex in another state that is valid in that state is valid and must be recognized in this State. This bill also clarifies that the authorization of marriage between two people of the same sex does not compel any religious institution to alter its doctrine, policy or teaching regarding marriage or to solemnize any marriage in conflict with that doctrine, policy or teaching. It also specifies that a person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal.

#### Committee Amendment "A" (S-109)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It incorporates a fiscal note.

#### Committee Amendment "B" (S-110)

This is the minority report of the Joint Standing Committee on Judiciary. This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

## *Joint Standing Committee on Judiciary*

### **Senate Amendment "A" (S-112)**

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

### **Senate Amendment "B" (S-113)**

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. (Not adopted)

### **Senate Amendment "C" (S-114)**

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

### **Senate Amendment "D" (S-115)**

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. (Not adopted)

### **House Amendment "A" (H-230)**

This amendment makes the Act contingent on approval by the voters in a referendum at the general election in November. The title of the bill is changed to reflect the referendum addition. (Not adopted)

### **Enacted Law Summary**

Public Law 2009, chapter 82 repeals the provision that limits marriage to one man and one woman and replaces it with the authorization for marriage between any two persons that meet the other requirements of Maine law. It also specifies that a marriage between two people of the same sex in another state that is valid in that state is valid and must be recognized in this State. Chapter 82 also clarifies that the authorization of marriage between two people of the same sex does not compel any religious institution to alter its doctrine, policy or teaching regarding marriage or to solemnize any marriage in conflict with that doctrine, policy or teaching. It also specifies that a person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal.

### **LD 1039    An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions**

**P & S 17**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M BRYANT B	OTP-AM	H-210

This bill directs the Attorney General to develop two education programs. The first education program is directed at educating the public about the steps necessary to have their end-of-life decisions honored by medical personnel. The second education program is aimed at the legal community and others who prepare or help individuals complete living wills and other advance health care directives. This bill directs the Attorney General to convene a study group of interested parties to ensure patients' end-of-life decisions are honored when patients are transferred from a nursing home to a hospital.

### **Committee Amendment "A" (H-210)**

This amendment deletes section 2 of the bill, which directs the Attorney General to convene a study group to address honoring health care decisions when patients are transferred from nursing homes to hospitals.