

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

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.

Joint Standing Committee on Judiciary

Enacted Law Summary

Private & Special Law 2009, chapter 17 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.

LD 1079 **An Act To Prohibit a Parent without Parental Rights from Inheriting from an Adult Child Who Dies without a Will**

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CLARK H | ONTP | |

This bill prohibits a parent whose parental rights have been terminated with regard to a child from inheriting from that child if the child dies intestate.

LD 1108 **An Act To Amend the Statute of Limitations under the Maine Human Rights Act**

PUBLIC 235

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| DILL BLISS | OTP-AM | H-293 |

This bill changes the statute of limitations under the Maine Human Rights Act from six months to 300 days after an alleged act of discrimination to file a complaint with the commission, requires the Maine Human Rights Commission to conclude its investigation of a complaint within two years of the alleged act of discrimination and changes the time frame to file a lawsuit from two years after the alleged act of discrimination to 90 days after the issuance of a right-to-sue letter.

Committee Amendment "A" (H-293)

This amendment provides that complaints filed with the Maine Human Rights Commission may be notarized after filing.

This amendment revises the bill to provide that the commission must conclude its investigation of a complaint within two years after the complaint is filed with the commission. This amendment amends the bill to require that a lawsuit must be filed within either two years after the act of unlawful discrimination complained of or 90 days after the commission dismisses a complaint, issues a right-to-sue letter or fails to conciliate a reasonable grounds case, whichever is later.

Enacted Law Summary

Public Law 2009, chapter 235 provides that complaints filed with the Maine Human Rights Commission may be notarized after filing. It provides that the commission must conclude its investigation of a complaint within two years after the complaint is filed with the commission. A lawsuit must be filed within either two years after the act of unlawful discrimination complained of or 90 days after the commission dismisses a complaint, issues a right-to-sue letter or fails to conciliate a reasonable grounds case, whichever is later.