

# 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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# 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 1118** An Act To Expand Rights for Maine Families

ONTP

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

This bill provides that registered domestic partners have the same rights, protections and benefits and are subject to the same responsibilities, obligations and duties under law, whether they derive from statute, administrative rule, court rule, government policy, common law or any other provision or source of law, as are granted to and imposed upon spouses. The delayed effective date of January 1, 2010 is included to provide time for preparations for the change in the law.

### **LD 1132** An Act To Establish the Maine Commission on Indigent Legal Services

**PUBLIC 419  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-233

This bill establishes the Maine Commission on Indigent Legal Services, an independent and permanent statutory entity, to provide efficient high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations. All attorneys providing indigent legal services will be paid through the commission. This bill also authorizes a one-time transfer of all necessary funds and positions from the judicial branch to the Maine Commission on Indigent Legal Services in order to create the commission at no additional cost to the General Fund.

#### **Committee Amendment "A" (S-233)**

This amendment clarifies language in the emergency preamble and elsewhere in the bill to correctly describe when the State is obligated to provide indigent legal services. This amendment revises language to maintain consistency throughout the bill with regard to quality indigent legal services. This amendment requires the Governor, the Chief Justice of the Supreme Judicial Court, the President of the Senate and the Speaker of the House of Representatives, when making recommendations and appointments to the commission, to consider input from persons and organizations with an interest in the delivery of indigent legal services. This amendment requires that the individuals appointed to the commission must have, in addition to the qualifications listed in the bill, the skills and knowledge required to ensure that quality representation is provided in each area of law. This amendment revises the qualifications for the executive director of the Maine Commission on Indigent Legal Services to provide that the executive director must have experience in the legal field, including, but not limited to, the provision of indigent legal services, but need not be an attorney licensed in this State. This amendment requires the commission to consider other programs necessary to provide quality and efficient indigent legal services and to recognize, when establishing minimum attorney qualifications, that quality representation in each of these types of cases requires counsel with experience and specialized training in that field. This amendment requires the commission to develop an administrative and review process for attorneys who are aggrieved by a decision of the executive director. This amendment provides that the commission's rules concerning standards governing experience, training and other qualifications for contract counsel and assigned counsel are major substantive rules and must be submitted to and reviewed by the joint standing committee of the Legislature having jurisdiction over judiciary matters before they take effect. This amendment establishes the executive director as a major policy-influencing position and sets the