

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the Second Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

April 2010

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STATE OF MAINE

124TH LEGISLATURE
SECOND 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 Second 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 HOUSES..... 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 Second Regular Session of the 124th Legislature is Monday, July 12, 2010. 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

Part B adds a 714-acre parcel of land located in a portion of the unorganized territory known as Argyle East Parcel in Penobscot County to the Penobscot Indian Reservation. This provision takes effect only if approved by the Penobscot Nation and certification of the approval is received by the Secretary of State within 90 days of the adjournment of the Second Regular Session of the 124th Legislature.

Part C addresses the process of developing the budget for the Maine Indian Tribal-State Commission. These changes to the Maine Implementing Act take effect only if approved by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and certification of the approval is received by the Secretary of State within 90 days of the adjournment of the Second Regular Session of the 124th Legislature.

Part D clarifies that the laws specifically addressing interlocal cooperation agreements expressly include the federally recognized Indian tribes of the Passamaquoddy Tribe and the Penobscot Nation. The Passamaquoddy Tribe and the Penobscot Nation and their political subdivisions may participate in the activities authorized under those laws as parties to such agreements. Part D also clarifies that those laws do not apply to and do not affect any agreement to which a federally recognized Indian tribe is a party if the agreement has not been entered into under the authority of those laws.

LD 529 An Act To Create a Traffic Court

ONTP

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

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to move the Violations Bureau from the District Court of the Judicial Branch to the office of the Secretary of State.

LD 1256 An Act To Provide Protections for Consumers Subject to Mandatory Arbitration Clauses

PUBLIC 572

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLAHERTY BLISS	OTP-AM	H-715

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053

This bill prohibits predispute mandatory binding arbitration clauses in consumer contracts.

Committee Amendment "A" (H-715)

This amendment replaces the bill. It amends the current law concerning consumer arbitration agreements by repealing the existing requirement that arbitration providers that provide arbitration services related to credit or loans for personal, family or household purposes report to the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation. Instead, providers of arbitration services are required to make available information about consumer arbitrations occurring in this State.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2009, chapter 572 amends the laws concerning consumer arbitrations. It provides that a consumer arbitration agreement not allowed under federal law is void and unenforceable. The narrow reporting requirement for certain areas of consumer arbitrations is repealed, and chapter 572 requires all providers of arbitration services in Maine to make available detailed information about consumer arbitrations and their outcomes. The information must be posted on publicly accessible websites, and the Office of the Attorney General notified about the websites.

LD 1289 An Act To Enact the Uniform Debt Management Services Act

ONTP

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

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

This bill repeals the existing law governing debt management services and enacts in its stead the Uniform Debt Management Services Act.

LD 1378 An Act To Adopt Portions of the Uniform Mediation Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER R BLISS	ONTP	

This bill was carried over from the First Regular Session pursuant to Joint Order, H.P. 1053.

The purpose of this bill is to encourage parties involved in mediation to communicate openly, and to protect the confidentiality of participants in the mediation process. This bill adopts those portions of the Uniform Mediation Act, as adopted by the National Conference of Commissioners on Uniform State Laws, that:

1. Establish privileges for mediation communication regarding disclosure, admissibility and discovery;
2. Authorize exceptions and waivers to the established privileges;
3. Specifically prohibit and permit various communications by a mediator; and
4. Establish the confidentiality of mediation communications.

See Maine Rules of Evidence, Rule 408 and Rule 514.