

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

Committee Amendment "A" (H-470)

This amendment replaces the bill. It adds to the definition of "public proceedings" under the freedom of access laws the meetings of interscholastic organizations when the meetings pertain to interscholastic sports. Meetings limited to eligibility rule violations and personnel issues are not included as public proceedings. This amendment also provides that records and minutes of the meetings are public records.

Enacted Law Summary

Public Law 2009, chapter 334 adds to the definition of "public proceedings" under the freedom of access laws the meetings of interscholastic organizations when the meetings pertain to interscholastic sports. Meetings limited to eligibility rule violations and personnel issues are not included as public proceedings. Chapter 334 provides that records and minutes of the meetings are public records.

LD 1307 An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers

PUBLIC 238

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUCHESNE GOODALL	OTP-AM	H-294

This bill establishes immunity from civil liability for a director, commissioner or volunteer of a road association similar to the immunity afforded to charitable directors, officers and volunteers.

Committee Amendment "A" (H-294)

This amendment replaces the bill. It provides that road associations' commissioners and boards, and the owners of parcels within a road association, have no civil liability to the other lot owners and lessees for the determination of the repairs and maintenance to be undertaken, the determination of assessments of materials and money, the collection of the money to be paid by the owners and the awarding of a contract authorized under the Maine Revised Statutes, Title 23, section 3103. This amendment also makes clear that the limited immunity provision does not provide immunity from enforcement actions by the Department of Environmental Protection or a municipality.

Enacted Law Summary

Public Law 2009, chapter 238 provides that road associations' commissioners and boards, and the owners of parcels within a road association, have no civil liability to the other lot owners and lessees for the determination of the repairs and maintenance to be undertaken, the determination of assessments of materials and money, the collection of the money to be paid by the owners and the awarding of a contract authorized under the Maine Revised Statutes, Title 23, section 3103. The limited immunity provision does not provide immunity from enforcement actions by the Department of Environmental Protection or a municipality.

LD 1353 An Act Regarding Salary Information for Public Employees

ONTP

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

Joint Standing Committee on Judiciary

This bill provides that salary information as it relates to an individual state, county, municipal, school, University of Maine System, Maine Community College System or Maine Maritime Academy employee is confidential. Salary information as it relates to specified positions, identified by those positions, is public information.

**LD 1377 An Act To Amend the 1980 Maine Implementing Act To Authorize the
Establishment of a Tribal Court for the Houlton Band of Maliseet
Indians and Related Matters**

PUBLIC 384

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY BLISS	OTP-AM	H-561

This bill provides the Houlton Band of Maliseet Indians with Tribal Court authority. This bill removes the sunset on the authority of law enforcement of the Houlton Band of Maliseet Indians. This bill provides for eligibility for state funding for the Houlton Band of Maliseet Indians. This bill amends the membership of the Maine Indian Tribal-State Commission to include two members appointed by the Houlton Band of Maliseet Indians and two more appointed by the Governor. The bill deletes language that pertained to the selection of the first chair of the Maine Indian Tribal-State Commission, as that is no longer necessary. It also includes provisions for the replacement of the chair of the commission.

Committee Amendment "A" (H-561)

This amendment replaces the bill and authorizes the establishment of the Houlton Band of Maliseet Indians tribal court, addresses the law enforcement authority of the Houlton Band of Maliseet Indians and provides options for making payments in lieu of taxes. This amendment is divided in Parts A, B, C, D, E, F and G. Part A addresses issues relating to the Houlton Band of Maliseet Indians; law enforcement authority and options for payments to municipalities in lieu of taxes. Part A requires approval as required by 25 United States Code, Section 1725(e)(2) by the Houlton Band of Maliseet Indians. Part B establishes the Houlton Band Tribal Court with jurisdiction only over members of the Houlton Band of Maliseet Indians. Parts D and E provide opportunities to expand the jurisdiction to members of the Penobscot Nation and the Passamaquoddy Tribe. Part B requires approval as required by 25 United States Code, Section 1725(e)(2) by the Houlton Band of Maliseet Indians. Part C covers full faith and credit of judicial proceedings. It requires approval by the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation as required by 25 United States Code, Section 1725(e). Part D gives the Houlton Band of Maliseet Indians tribal court jurisdiction over members of the Penobscot Nation. It takes effect only if the Houlton Band of Maliseet Indians and the Penobscot Nation approve it as required by 25 United States Code, Section 1725(e). Part E gives the Houlton Band of Maliseet Indians tribal court jurisdiction over members of the Passamaquoddy Tribe. It also amends the jurisdiction of the Passamaquoddy tribal court to give that court jurisdiction over members of the Houlton Band of Maliseet Indians. Part E takes effect only if the Houlton Band of Maliseet Indians and the Passamaquoddy Tribe approve it as required by 25 United States Code, Section 1725(e). Part F amends the Maine Indian Tribal-State Commission statutes to add two members of the Houlton Band of Maliseet Indians and two additional state representatives. It deletes obsolete language and revises language concerning the replacement of the chair. Part F takes effect only if the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation approve it as required by 25 United States Code, Section 1725(e). Part G directs the Revisor of Statutes to rename the headnote of the Maine Revised Statutes, Title 30. It does not require approval of the tribes.

Enacted Law Summary

Public Law 2009, chapter 384 includes seven parts. Parts A through F require the approval of one or more of the Federally-Recognized Tribes in Maine to take effect; Part G takes effect September 12, 2009.