

# 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:

<i>CARRIED OVER</i> .....	<i>Carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i> .....	<i>House &amp; Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i> .....	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i> .....	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i> .....	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i> .....	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i> .....	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i> .....	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; Special Law</i>
<i>PUBLIC XXX</i> .....	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i> .....	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i> .....	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's Veto</i>

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*

4. Calculation and payment of child support when the obligor is responsible for child support for another child;
5. Child support from a parent regardless of whether there is an order granting primary residential care of the child to that parent if the other parent is receiving public assistance for the child;
6. A 20-day notice to an obligor and other interested parties before the sale of any property seized under an order to seize and sell;
7. Applicable income withholding law when a withholding order is issued by another state for an obligor whose principal place of employment is this State;
8. Maximum amount permitted to be withheld from an obligor's income regardless of whether the withholding order is issued administratively or by a court; and
9. Establishment of priority and allocation of income withheld for two or more child support obliges, consistent with the Uniform Interstate Family Support Act.

**LD 1472**

**An Act To Require a Municipality To Quiet Title to Certain Roads Acquired by Adverse Possession**

**ONTP**

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

This bill requires that, in the specific instance that a municipality claims to obtain a public road by adverse possession and then subsequently abandons that road, the municipality must prove that the title to the road was established by a court decree. Failure to obtain the court decree voids a claim to the road by the municipality by adverse possession.

**LD 1475 An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 415  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-579

This bill, consisting of Parts A and B, corrects technical errors and inconsistencies in the laws of Maine.

**Committee Amendment "A" (H-579)**

This amendment deletes several sections from Part A and all of Part B of the bill because the corrections are made in other bills or to avoid further conflicts. This amendment adds new Parts B, C, D and E.

Part B consists of technical amendments.

Part C makes substantive corrections to Public Law 2009, chapter 54: It corrects drafting errors in the original bill. One error inadvertently repealed that portion of Title 29-A, section 2558, subsection 2, paragraph B that enhances the penalty for aggravated operating after habitual offender revocation if the driver had been once previously convicted of the same offense. Without this amendment, a 2nd offender may be prosecuted only for a Class D crime.