

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

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.

Joint Standing Committee on Judiciary

Part C also limits the retroactivity provision of Public Law 2009, chapter 54 to the sections of Title 29-A that affect suspension of a motor vehicle license. Portions of the law that affect sentencing are not made retroactive. It makes the correction to the retroactivity section of Public Law 2009, chapter 54 retroactive to the effective date of chapter 54, April 22, 2009.

Part D makes substantive corrections to discrepancies between the GIS shape file for the proposed expedited wind energy development area recommended by the Governor's Wind Energy Development Task Force and the written description of the areas corresponding to the shape file included in legislation adopting this task force recommendation. The corrections to the description of the areas in Chain of Ponds and T25 MD BPP were identified prior to enactment of the legislation but were never incorporated into the final language of the bill. The corrections to the description for Skinner Township were discovered during the recent process of reviewing the legislation. Part D deletes a reference to the time period after the enactment of Public Law 2007, chapter 661 and the effective date of rulemaking by the Maine Land Use Regulation Commission. Part D also directs the Maine Land Use Regulation Commission to change its rules to be consistent with these changes.

Part E adds a word that was inadvertently omitted from Public Law 2009, chapter 372. Part E also clarifies that those provisions providing for joint administration of the Renewable Resource Fund program by the Efficiency Maine Trust and the Public Utilities Commission take effect July 1, 2010, when the Efficiency Maine Trust takes over other programs pursuant to Public Law 2009, chapter 372.

Enacted Law Summary

Public Law 2009, chapter 415 corrects errors and inconsistencies in the laws of Maine. Parts A and B make technical corrections.

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 correction, a 2nd offender may be prosecuted only for a Class D crime. Part C also limits the retroactivity provision of Public Law 2009, chapter 54 to the sections of Title 29-A that affect suspension of a motor vehicle license. Portions of the law that affect sentencing are not made retroactive. It makes the correction to the retroactivity section of Public Law 2009, chapter 54 retroactive to the effective date of chapter 54, April 22, 2009.

Part D makes substantive corrections to discrepancies between the GIS shape file for the proposed expedited wind energy development area recommended by the Governor's Wind Energy Development Task Force and the written description of the areas corresponding to the shape file included in legislation adopting this task force recommendation. The corrections to the description of the areas in Chain of Ponds and T25 MD BPP were identified prior to enactment of the legislation but were never incorporated into the final language of the bill. The corrections to the description for Skinner Township were discovered during the recent process of reviewing the legislation. Part D deletes a reference to the time period after the enactment of Public Law 2007, chapter 661 and the effective date of rulemaking by the Maine Land Use Regulation Commission. Part D also directs the Maine Land Use Regulation Commission to change its rules to be consistent with these changes.

Part E adds a word that was inadvertently omitted from Public Law 2009, chapter 372. Part E also clarifies that those provisions providing for joint administration of the Renewable Resource Fund program by the Efficiency Maine Trust and the Public Utilities Commission take effect July 1, 2010, when the Efficiency Maine Trust takes over other programs pursuant to Public Law 2009, chapter 372.

Public Law 2009, chapter 415 was enacted as an emergency measure effective June 17, 2009.