

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
124<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

April 2010

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**STAFF:**

MARGARET J. REINSCH, SENIOR ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

# STATE OF MAINE

124<sup>TH</sup> 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 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 HOUSES</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 Second Regular Session of the 124<sup>th</sup> 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

**LD 1550 An Act To Promote Opportunity for Workers in the Maine Woods**

**PUBLIC 532**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J L BLISS	OTP	

This bill allows in civil court procedure an exemption from attachment and execution for professional logging implements, similar to the exemption already allowed for farm implements and fishing boats for persons employed in commercial farming and fishing.

### Enacted Law Summary

Public Law 2009, chapter 532 allows in civil court procedure an exemption from attachment and execution for professional logging implements, similar to the exemption already allowed for farm implements and fishing boats for persons employed in commercial farming and fishing.

**LD 1551 Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Communications of Members of Public Bodies**

**RESOLVE 171**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOSTIE NUTTING J	OTP-AM	H-704

This bill amends the law governing access to public records and proceedings. This bill:

1. Provides definitions of "electronic mail," "group electronic mail" and "substantive matter";
2. Prohibits a member of a public body from knowingly sending a group electronic mail to a quorum of the members of that body regarding a substantive matter that is before the body;
3. Prohibits a member of a public body from directly or through an intermediary communicating that a majority of that body is in agreement regarding a substantive matter that is before the body to interested persons who are not members of the body;
4. Specifies that "public records" includes electronic mail that is sent by a member of a public body to a quorum of members of that same body regarding a substantive matter that is before the body; and
5. Requires that if a member of a public body sends electronic mail to a quorum of members of that same body regarding a substantive matter that is before the body, the electronic mail must be printed and made available to the public at the next public meeting before the body takes a vote on that matter.

### Committee Amendment "A" (H-704)

This amendment replaces the bill and changes it to a resolve.

This amendment directs the Right To Know Advisory Committee to examine and make recommendations on the issues concerning the use of communication technologies, penalties for violations of the freedom of access laws and access to partisan caucuses. The Right To Know Advisory Committee shall include its recommendations in its

# Joint Standing Committee on Judiciary

annual report due January 15, 2011.

## Enacted Law Summary

Resolve 2009, chapter 171 directs the Right To Know Advisory Committee to examine and make recommendations on the following issues:

1. How the freedom of access laws can appropriately address the use of communication technologies, both existing and those to be developed in the future, to ensure that decisions are made in proceedings that are open and accessible to the public;
2. If penalties for violations of the freedom of access laws should be revised, including consideration of criminalizing violations and making the individual who violates the laws responsible for the penalty, rather than the governmental entity; and
3. If partisan party caucuses should be specifically excluded from the definition of "public proceedings."

The Right To Know Advisory Committee shall include its recommendations in its annual report due January 15, 2011.

## LD 1574 An Act To Amend the Rights and Liabilities of the Supervising Physician of a Physician Assistant

PUBLIC 587

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAREY SULLIVAN	OTP-AM MAJ ONTP MIN	H-732 H-755 PRIEST

This bill amends the rights and liabilities of military force members to extend civil and criminal immunity to the supervisory physician of a physician assistant regardless of the duty status of the supervisory physician.

### Committee Amendment "A" (H-732)

This amendment is the majority report of the committee.

This amendment replaces the bill, but retains the intent to immunize and provide for the defense of the physician who supervises a physician assistant who is on active state service in the performance of the physician assistant's duties. Current law applies to the supervising physician only if the supervising physician is on active state service. This amendment provides the same protection when the supervising physician is not on active state service, but the physician assistant is on active state service in the performance of the physician assistant's duty. This amendment applies to osteopathic and allopathic physicians who are the supervising physicians of physician assistants.

### House Amendment "A" To Committee Amendment "A" (H-755)

Committee Amendment "A" provides protection from liability to the supervising physician of a physician assistant when the physician assistant is on active state service in the performance of the physician assistant's duty even when the supervising physician is not on active state service. This amendment limits this protection from liability provided a supervising physician in Committee Amendment "A" to acts of the physician assistant when the physician assistant is providing services to individuals not on active state service.

## Enacted Law Summary

Public Law 2009, chapter 587 provides protection from liability to the supervising physician of a physician assistant