

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**MEMBERS:**

SEN. LAWRENCE BLISS, CHAIR  
SEN. BARRY J. HOBBS  
SEN. DAVID R. HASTINGS III

REP. CHARLES R. PRIEST, CHAIR  
REP. MARK E. BRYANT  
REP. CYNTHIA A. DILL  
REP. RICHARD C. CLEARY  
REP. DAWN HILL  
REP. CHARLES B. KRUGER  
REP. SARA R. STEVENS  
REP. JOAN M. NASS  
REP. MICHAEL G. BEAULIEU  
REP. JARROD S. CROCKETT  
REP. WAYNE T. MITCHELL

**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:

*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 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 1624     An Act To Ensure Rights to Children for Caretaker Relatives**

**ONTP**

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

Current law authorizes grandparents to petition for visitation rights to their grandchildren under certain specified conditions. This bill extends the laws governing grandparent visitation to apply to aunts, uncles, spouses of aunts and uncles, siblings and spouses of grandparents. This bill also establishes a presumption that a sufficient existing relationship exists between a child and a relative if the child has been left in the care and custody of the relative for 18 months or more.

**LD 1625     An Act To Establish a Policy of Communication and Consultation on  
Issues Affecting Tribal Communities of the Passamaquoddy Tribe**

**ONTP**

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

This bill requires every state agency to adopt a policy of communication and consultation with the Passamaquoddy Tribe to provide for meaningful and timely input by the Passamaquoddy tribal government into the development of legislation, rules and policies on matters that significantly or uniquely affect the Passamaquoddy tribal community before the agency may propose, adopt or implement legislation, rules or policies that may materially affect the Passamaquoddy tribal community.

See Executive Order 06 FY 10/11, An Order to Promote Effective Communication Between the State of Maine and the Native American Tribes Located Within the State of Maine.

**LD 1710     An Act Concerning Litigation Brought by the Attorney General To  
Enforce Provisions of the Forest Practices Laws**

**PUBLIC 536**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST	OTP-AM	H-682

This bill allows the Department of Conservation, Bureau of Forestry to recover court costs when an action or proceeding brought by the Attorney General on the bureau's behalf prevails, with the costs to be deposited in the General Fund.

**Committee Amendment "A" (H-682)**

This amendment replaces the bill, but retains the bill's original intent to allow the Attorney General or the agency it represents to collect reasonable attorney's fees and other costs of litigation for enforcement actions under laws regulating forest practices. This amendment provides that the court has discretion to award costs to the State if the State prevails and the defendant's defense is not substantially justified.

# Joint Standing Committee on Judiciary

## Enacted Law Summary

Public Law 2009, chapter 536 gives the court discretion to award reasonable attorney's fees and other costs to the Attorney General or the agency it represents for enforcement actions under laws regulating forest practices when the State prevails and the defendant's defense is not substantially justified.

### LD 1714 An Act To Protect Information Maintained by Registers of Deeds

ONTP

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

This bill provides that records maintained by registers of deeds are not considered public records for the purposes of the freedom of access laws in order to clarify that public access to those records is governed by the laws relating to those registers.

See LD 1554, reported out by the Joint Standing Committee on State and Local Government.

### LD 1722 An Act To Strengthen Protection from Abuse and Protection from Harassment Laws

PUBLIC 555

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL SIMPSON	OTP-AM	H-705

This bill allows printed copies of electronically transmitted protection from harassment and protection from abuse orders to be served on individuals and allows a formal report of the service of such an order to be transmitted electronically.

#### Committee Amendment "A" (H-705)

This amendment replaces the bill but carries out the original intent to facilitate the proper and timely service of protection from harassment and protection from abuse orders.

## Enacted Law Summary

Public Law 2009, chapter 555 allows the service of temporary orders and final protection orders when the original court orders have been electronically transmitted directly from the court issuing the order to the authorized law enforcement agency or correctional facility making the service.

Chapter 555 ensures that a person served with an electronically transmitted order has an opportunity in a prosecution for violating the order to exercise the right to confrontation with regard to the law enforcement officer who served the order or the chief administrative officer, or the chief administrative officer's designee, of the correctional facility that served the order.