

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

April 2010

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STATE OF MAINE

124TH 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 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:

<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 & 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&S XXX</i>	<i>Chapter # of enacted Private & 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 124th 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 1795 Resolve, Regarding Legislative Review of Chapter 2: Standards for Qualifications of Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services

**RESOLVE 180
EMERGENCY**

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

This resolve provides for legislative review of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

Enacted Law Summary

Resolve 2009, chapter 180 provides for the authorization of Chapter 2: Standards for Qualifications of Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2009, chapter 180 was finally passed as an emergency measure effective March 29, 2010.

LD 1802 Resolve, Directing the Right To Know Advisory Committee To Examine Issues Related to Private Information Contained in the Communications of Public Officials

RESOLVE 184

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL HOBBINS	OTP-AM	H-735 H-788 HILL

This bill exempts from public records that are subject to the laws governing freedom of access any communication from a constituent to an elected official that the constituent expects to be confidential or that contains certain personal information and any communication from an elected official in response to such a communication.

Committee Amendment "A" (H-735)

This amendment replaces the bill with a resolve directing the Right To Know Advisory Committee to examine the issues relating to the protection of private information in electronic and other communications sent and received by public officials, particularly communications between elected officials and their constituents. A report is due by February 15, 2011, and the joint standing committee of the Legislature having jurisdiction over judiciary matters may report out a bill based on the report in 2011.

House Amendment "A" To Committee Amendment "A" (H-788)

This amendment changes the reporting date of the Right To Know Advisory Committee from February 15, 2011 to November 30, 2010. It also removes the authorization of the joint standing committee of the Legislature having jurisdiction over judiciary matters to report out a bill in 2011 and requires the advisory committee to suggest legislation at the end of 2010.

Enacted Law Summary

Resolve 2009, chapter 184 directs the Right To Know Advisory Committee to examine the issues relating to the

Joint Standing Committee on Judiciary

protection of private information in electronic and other communications sent and received by public officials, particularly communications between elected officials and their constituents. The Advisory Committee must report by November 30, 2010.

LD 1805 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 652
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-832 S-535 BLISS S-545 BLISS

This bill provides technical corrections to errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-832)

This amendment designates the substance of the bill as Part A and then adds additional Parts. Part B contains additional technical corrections. Parts C, D and E contain amendments that are or could be considered to make substantive changes.

Senate Amendment "A" To Committee Amendment "A" (S-535)

This amendment amends Public Law 2009, chapter 571, Part EEE, section 1 to correct an agency name and clarify that the rules reducing the fees for copies of vital records will apply retroactively to April 1, 2010.

Senate Amendment "B" To Committee Amendment "A" (S-545)

This amendment corrects the effective date of the amendment to the Maine Revised Statutes, Title 14, section 6030-C, subsection 1 to 90 days after adjournment of the Second Regular Session to be consistent with the effective date of Public Law 2009, chapter 566, which amends the same section.

Enacted Law Summary

Public Law 2009, chapter 652 makes corrections to the laws of Maine.

Part A contains technical corrections originally contained in the bill.

Part B makes additional technical corrections.

Part C makes the following changes that are substantive or may be considered substantive.

Section 1 corrects a conflict concerning sea urchin licenses created when Public Law 2009, chapter 396 repealed Title 12, section 6536 and chapter 213 amended section 6536, subsection 4.

Section 2 amends the license term for a game of chance license to operate an electronic video machine from a period not to exceed 6 months to a period of up to 12 months. Section 3 amends the games of chance laws concerning the maximum number of players in a licensed card game in one location at any one time to be consistent with the changes made in Public Law 2009, chapter 224. Section 4 makes section 2 and section 3 corrections take effect 90 days after the adjournment of the Second Regular Session of the 124th Legislature.

Section 5 repeals and replaces current law concerning the use of helmets by passengers on motorcycles and