

# 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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# 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

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

## *Joint Standing Committee on Judiciary*

autocycles to delete the application of the law to passengers of autocycles. Autocycle passengers were not intended to be included in Public Law 2009, chapter 55.

Section 6 corrects an inconsistency between the new language in the statute concerning temporary licenses for delivery and plant operators and the unallocated transition language as enacted by Public Law 2009, chapter 334. Section 7 makes the correction apply retroactively to the effective date of chapter 334, which is January 1, 2010.

Sections 8 and 9 correct the contingent effective date sections in Public Law 2009, chapter 496. In Public Law 2009, chapter 496, sections 30 and 31 provide for a contingent effective date, based on a pending people's veto referendum. However, the law should have provided for a contingent retroactive effective date since it is correcting a definition that is already in effect. The premium imposed on bulk motor vehicle oil changed from a per oil change surcharge to a surcharge on bulk motor vehicle oil, beginning August 1, 2008. If the change is not made, the surcharge is not excluded from the definition of "sale price" for the period of time between August 1, 2008 and when Public Law 2009, chapter 496 takes effect.

Part D corrects two problems created by Public Law 2009, chapter 461 concerning Pine Tree Development Zones.

Part E corrects definitions in the new law creating the Universal Childhood Immunization Program, enacted by Public Law 2009, chapter 595.

Part F 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.

Public Law 2009, chapter 652 was enacted as an emergency measure effective April 14, 2010 unless otherwise provided.

### **LD 1814      An Act To Implement Recommendations Concerning Domestic Violence and Parental Rights and Responsibilities**

**PUBLIC 593**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill adds an exception to the public policy in favor of a child's contact with both parents and shared parental rights and responsibilities when the court determines that the contact or an award of shared parental rights and responsibilities would not be in the best interest of the child. This bill requires the court to consider how the existence of domestic abuse between the parents would affect the other best interest factors. This bill also adds another factor to the list of best interest factors that would require the court to consider whether allocation of some or all parental rights and responsibilities would best support the child's safety and well-being.

#### **Enacted Law Summary**

Public Law 2009, chapter 593 enacts statutory recommendations of the Maine Commission on Domestic and Sexual Abuse made pursuant to Resolve 2009, chapter 120.

Chapter 593 amends the laws concerning parental rights and responsibilities to add an exception to the public policy in favor of a child's contact with both parents and shared parental rights and responsibilities when the court determines that the contact or an award of shared parental rights and responsibilities would not be in the best interest of the child. It also requires the court to consider how the existence of domestic abuse between the parents would affect the other best interest factors. Chapter 593 also adds another factor to the list of best interest factors that would require the court to consider whether allocation of some or all parental rights and responsibilities would best