

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

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.

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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

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support the child's safety and well-being.

**LD 1824 An Act To Decriminalize Violations of Rules or Permit Conditions of the
Baxter State Park Authority**

**PUBLIC 644
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ADAMS NUTTING J	OTP-AM	H-812

This bill decriminalizes violations of the rules of the Baxter State Park Authority or the conditions of permits issued by the authority.

Committee Amendment "A" (H-812)

The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2009, chapter 644 decriminalizes violations of the rules of the Baxter State Park Authority or the conditions of permits issued by the authority.

Public Law 2009, chapter 644 was enacted as an emergency measure effective April 12, 2010.