

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2011

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND  
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

*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; legislation died  
*DIED BETWEEN HOUSES*..... House & Senate disagreed; legislation died  
*DIED IN CONCURRENCE*..... defeated in each house, but on different motions; legislation died  
*DIED ON ADJOURNMENT*..... action incomplete when session ended; legislation died  
*EMERGENCY*..... enacted law takes effect sooner than 90 days after session adjournment  
*FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE* ..... emergency failed to receive required 2/3 vote  
*FAILED, ENACTMENT or FINAL PASSAGE*..... failed to receive final majority vote  
*FAILED, MANDATE ENACTMENT* ..... legislation proposing local mandate failed required 2/3 vote  
*HELD BY GOVERNOR*..... Governor has not signed; final disposition to be determined at subsequent session  
*LEAVE TO WITHDRAW*..... sponsor's request to withdraw legislation granted  
*NOT PROPERLY BEFORE THE BODY*..... ruled out of order by the presiding officer; legislation died  
*INDEF PP*..... indefinitely postponed; legislation died  
*ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X*... ought-not-to-pass report accepted; legislation died  
*P&S XXX*..... chapter # of enacted private & special law  
*PUBLIC XXX*..... chapter # of enacted public Law  
*RESOLVE XXX*..... chapter # of finally passed resolve  
*VETO SUSTAINED*..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125<sup>th</sup> Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Judiciary*

**LD 31      An Act To Protect the Safety of Maine Children by Requiring the Express Consent of a Legal Guardian To Dispense Prescription Medication to a Minor**

**MAJORITY  
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	ONTP MAJ OTP MIN	

This bill prohibits dispensing prescription drugs to a minor without express consent from the minor's parent or legal guardian unless the minor is living independently of parental or guardian support, is or was married, is or was serving in the Armed Forces of the United States or has been legally emancipated.

**LD 39      An Act Related to Family Law Magistrates**

**PUBLIC 3**

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

This bill removes language prohibiting magistrates of the Family Division of District Court from wearing black robes.

**Enacted Law Summary**

Public Law 2011, chapter 3 removes language prohibiting magistrates of the Family Division of District Court from wearing black robes.

**LD 51      An Act Regarding Access to Sexually Explicit Material**

**PUBLIC 39**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL HOBBINS	OTP-AM	H-56

This bill creates new guidelines for access to sexually explicit material in a criminal investigation or proceeding.

**Committee Amendment "A" (H-56)**

This amendment allows access to the sexually explicit materials by an agent of the defendant's attorney.

**Enacted Law Summary**

Public Law 2011, chapter 39 creates new guidelines for access to sexually explicit material in a criminal investigation or proceeding. This material is now accessible to defendants pursuant to Maine Rules of Criminal Procedure, Rule 16, which permits copying or photographing. Chapter 39 authorizes reasonable access for inspection of the sexually explicit material but prohibits any reproduction of the material and requires that it be inspected in a facility under the control of the attorney for the State. The custody, control and care of the material

**Joint Standing Committee on Judiciary**

must remain with the attorney for the State or the court. Chapter 39 is consistent with the federal requirements of custody and treatment of evidence of child pornography pursuant to the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248.

**LD 58      An Act To Prohibit Enforcement of the Federal Patient Protection and Affordable Care Act      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA COLLINS	ONTP	

This bill expresses the findings of the Legislature that the federal Patient Protection and Affordable Care Act, signed into law by President Barack Obama on March 23, 2010, is in violation of the United States Constitution, Amendment X and, as such, is considered null and void in Maine. This bill prohibits a federal or state official, agent or employee from enforcing the Patient Protection and Affordable Care Act, or any other statute, law, rule, regulation or order made in connection with that Act. Violation by a federal official is a Class C crime, punishable by up to 5 years in prison and a fine of up to \$5,000. Violation by a state official is a Class D crime, punishable by less than one year in jail and a fine of up to \$2,000. The bill also allows a civil cause of action.

See also LD 1233, referred to the Joint Standing Committee on Insurance and Financial Services.

**LD 90      An Act Regarding Graphic Images Displayed with the Intention of Interfering with Civil Rights      ONTP**

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

This bill amends the Maine Civil Rights Act to limit the size of images of human or fetal remains that may be displayed by any person with the intention of interfering with the exercise of constitutional or other legal rights.

**LD 95      An Act To Repeal the Restriction on Serving or Executing Civil Process on Sunday      PUBLIC 32**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION	OTP MAJ ONTP MIN	

This bill repeals the restriction on serving or executing civil process on Sunday.

**Enacted Law Summary**

Public Law 2011, chapter 32 repeals the restriction on serving or executing civil process on Sunday.