

# 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 165      An Act To Require Divorce Actions To Go to Mediation**

**ONTP**

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

This bill is a concept draft pursuant to Joint Rule 208.

It proposes to require all contested divorce cases to be resolved through mediation, instead of in the courts, unless there are extenuating circumstances, such as abuse.

**LD 170      An Act To Extend the Maximum Time Period for Powers of Attorney  
for Minors and Incapacitated Persons**

**PUBLIC 43**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS COURTNEY	OTP-AM	H-57

This bill extends the maximum time period for a power of attorney for a minor or incapacitated person from 6 to 12 months and authorizes the Probate Court, in issuing, modifying or terminating an order of guardianship of a minor, to include in the order transition arrangements as determined to be in the best interest of the child.

**Committee Amendment "A" (H-57)**

This amendment clarifies that orders providing for transitional arrangements may include, but are not limited to, rights of contact, housing, counseling or rehabilitation.

**Enacted Law Summary**

Public Law 2011, chapter 43 extends the maximum time period for a power of attorney for a minor or incapacitated person from 6 to 12 months and authorizes the Probate Court, in issuing, modifying or terminating an order of guardianship of a minor, to include in the order transition arrangements as determined to be in the best interest of the child. Orders providing for transitional arrangements may include, but are not limited to, rights of contact, housing, counseling or rehabilitation.

**LD 194      An Act To Make Permanent the Direction of Fines Derived from Tribal  
Law Enforcement Activities to the Passamaquoddy Tribe and the  
Penobscot Nation**

**PUBLIC 426**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
Soctomah	OTP-AM	H-375

This bill removes the provision of law that repeals the laws that direct fines derived from tribal law enforcement activities to the Passamaquoddy Tribe and the Penobscot Nation.

## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-375)**

This amendment incorporates a fiscal note.

### **Enacted Law Summary**

Public Law 2011, chapter 426 removes the provision of law that repeals the laws that direct fines derived from tribal law enforcement activities to the Passamaquoddy Tribe and the Penobscot Nation.

## **LD 202      An Act To Modify Child Support Enforcement Procedures**

**PUBLIC 34**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NASS ROSEN R	OTP-AM	H-45

This bill amends several child support enforcement provisions. It:

1. Eliminates the 6-month limitation on a court order for a child support obligor to seek employment;
2. Changes the child support guidelines from requiring that the support obligation of a nonprimary care provider who earns less than the federal poverty guidelines may not exceed 10% of the nonprimary care provider's weekly gross income for each child for whom support is awarded to requiring that the support obligation may not exceed 10% of the nonprimary care provider's weekly gross income regardless of the number of children; and
3. Limits the assignment of child support received by a recipient of public assistance to only that support that accrues during the period that the recipient receives public assistance.

### **Committee Amendment "A" (H-45)**

This amendment reinstates the limitation, which was removed in the bill, on a court order for a child support obligor, expanding the limitation from 6 months as in current law to one year.

### **Enacted Law Summary**

Public Law 2011, chapter 34 does the following:

1. It changes the child support guidelines from requiring that the support obligation of a nonprimary care provider who earns less than the federal poverty guidelines may not exceed 10% of the nonprimary care provider's weekly gross income for each child for whom support is awarded to requiring that the support obligation may not exceed 10% of the nonprimary care provider's weekly gross income regardless of the number of children;
2. It limits the assignment of child support received by a recipient of public assistance to only that support that accrues during the period that the recipient receives public assistance; and
3. It expands the 6-month limitation on a court order for a child support obligor to seek employment to one year.