

# 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

Public Law 2011, chapter 230 provides that both the State and an aggrieved person have an appeal as a matter of right from a court decision to grant or deny a new trial based on DNA analysis results. Chapter 230 also provides a discretionary appeal opportunity for the State when the court grants a motion to order DNA analysis. Currently, the State has no right to appeal that decision.

### **LD 374** An Act To Change the Method of Calculation of Child Support

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON	ONTP	

This bill excludes from gross income for the purpose of calculating child support amounts withheld or paid for social security or Medicare taxes.

### **LD 380** An Act To Enhance Enforcement of Civil Orders of Arrest

PUBLIC 177

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON SHERMAN	OTP-AM	H-241

This bill provides that a court may issue a bench warrant when an individual fails to appear for a disclosure or contempt hearing concerning the enforcement of a money judgment after having given a personal recognizance bond to do so.

This bill also clarifies that a bench warrant may issue even if the individual is separately charged with a Class E crime for failing to appear in court after having given a personal recognizance bond to do so.

#### **Committee Amendment "A" (H-241)**

This amendment replaces the bill, removing the provisions permitting the court to issue a bench warrant and instead providing alternative relief.

This amendment provides alternative relief if a debtor fails to appear for a hearing after having given a personal recognizance bond to do so. The alternative relief consists of an order to the Department of Labor to provide the judgment creditor with the name and address of the debtor's employer, or a further civil order of arrest that does not permit the sheriff to obtain a personal recognizance bond from the debtor, or both. The Department of Labor may charge a reasonable fee for providing the information pursuant to the court order. The amendment also specifies how an order to the Department of Labor is served and the information required in the personal recognizance bond that a debtor may sign.

#### **Enacted Law Summary**

Public Law 2011, chapter 177 provides alternative relief if a debtor fails to appear for a disclosure hearing after having given a personal recognizance bond to do so. The alternative relief consists of an order to the Department of Labor to provide the judgment creditor with the name and address of the debtor's employer, or a further civil order of arrest that does not permit the sheriff to obtain a personal recognizance bond from the debtor, or both. The Department of Labor may charge a reasonable fee for providing the information pursuant to the court order. Chapter