

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH 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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STATE OF MAINE
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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 125th 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 125th 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

Joint Standing Committee on Judiciary

177 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.

LD 419 An Act To Ensure the Payment of Survivor Benefits to Certain Children Carried Over

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R		

This bill addresses the ability to inherit for purposes of intestate succession when a child is conceived using the gametes of a person after the person has died. This bill provides that the child has the same right to inherit from the decedent as if the child had been born prior to the decedent's death. This bill also clarifies that a parent-child relationship is established for the purposes of intestate succession between a child and a person if the child is conceived after the death of the person and the child is born to the person's surviving spouse using the gametes of the person. In each situation, the person must have consented in a record to be a parent in the given circumstances. The availability of Social Security survivor benefits is based on state intestate succession laws. This bill will facilitate the eligibility for survivor benefits to be paid to posthumously conceived children.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 427 An Act To Extend the Same Privileges to the Wesget Sipu - Fish River Tribe as Are Extended to Other Maine Indian Tribes ONTP

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

This bill extends to members of the group known as the Wesget Sipu - Fish River Tribe the privilege of eligibility for any tuition waiver offered to Native Americans by the University of Maine System, the Maine Maritime Academy or the Maine Community College System.

LD 448 An Act To Allow a Valid Claim against a Dissolved Corporation MAJORITY (ONTP) REPORT

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

This bill allows a claim against a dissolved corporation when there is liability insurance available.