

# 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

**STAFF:**

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

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125<sup>TH</sup> LEGISLATURE  
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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*

with regard to their right to receive information about trusts.

Chapter 42 amends the Maine Uniform Trust Code with language added to the approved draft of the Uniform Trust Code by the National Conference of Commissioners on Uniform State Laws after the Maine Uniform Trust Code was adopted to clarify that a creditor may reach or compel distribution of the interest of a beneficiary who also serves as trustee when the trustee's discretion to make distributions for the trustee's own benefit is limited by an ascertainable standard, but only to the extent the interest would be subject to the creditor's claim were the beneficiary not acting as trustee or cotrustee.

Chapter 42 repeals and replaces Title 18-B, section 506 to insert a new subsection 1, retaining the current language as a new subsection 2 to clarify that the term "mandatory distribution" is to be understood in its traditional sense. Chapter 42 adds a new subsection to Title 18-B, section 813 to clarify that whether or not a settlor has capacity to revoke a trust, the trustee's duties to inform and report under section 813 are owed exclusively to the settlor.

**LD 551**      **An Act To Allow a Member, Manager or Authorized Employee of a Limited Liability Company To Appear for That Company in an Action for Eviction**      **MAJORITY (ONTP) REPORT**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| RUSSELL           | ONTP MAJ<br>OTP MIN     |                           |

This bill allows a member, manager or authorized employee of a limited liability company who is not an attorney to appear in court for that company in an action for eviction.

**LD 573**      **An Act To Protect the Civil Rights of Citizens**      **MAJORITY (ONTP) REPORT**

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

This bill mirrors federal law in allowing a person to bring a civil action for a violation of the person's constitutional rights against a person acting under the color of a statute, ordinance, rule, regulation, custom or usage of the State or a political subdivision of the State.

**LD 585**      **An Act To Amend the Child Custody Laws**      **ONTP**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| FOSSEL            | ONTP                    |                           |

This bill prohibits an order for parental rights and responsibilities from being modified or terminated if the custodial parent is absent from the State because the parent is in the National Guard or the Reserves of the United States