

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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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.

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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 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 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

Joint Standing Committee on Judiciary

Armed Forces under an order to active duty for more than 30 days. The bill also prohibits a court from considering absence due to active duty service with the National Guard or the Reserves of the United States Armed Forces the sole factor in determining parental rights and responsibilities with respect to a minor.

LD 593 Resolve, Regarding Legislative Review of Chapter 3: Eligibility Requirements for Specialized Case Types, a Major Substantive Rule of the Maine Commission on Indigent Legal Services RESOLVE 22 EMERGENCY

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

This resolve provides for legislative review of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services.

Enacted Law Summary

Resolve 2011, chapter 22 provides for legislative review of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2011, chapter 22 was finally passed as an emergency measure effective April 20, 2011.

LD 602 An Act To Clarify the Method of Appealing Decisions of the Executive Director of the Maine Commission on Indigent Legal Services PUBLIC 141

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-93

This bill amends current law relating to the Maine Commission on Indigent Legal Services to state specifically which decisions of the executive director must be subject to an appeal process for attorneys aggrieved by such decisions. The bill requires the commission to develop an appeal process for the commission to review decisions of the executive director, or the executive director's designee, regarding whether an attorney meets the commission's minimum eligibility requirements to receive assignments to represent indigent clients and whether an attorney meets the eligibility requirements for assignments to specialized case types, whether an attorney previously found eligible for such assignments is found to be no longer eligible and whether to grant or withhold a waiver of such eligibility requirements.

The bill also provides that a quorum of the commission must review decisions on whether the eligibility requirements are met, but that a panel of 2 members of the commission is authorized to review decisions regarding waiver of those requirements.

Committee Amendment "A" (S-93)

This amendment revises the administrative appeal process proposed in the bill for some decisions of the executive director, or the executive director's designee, of the Maine Commission on Indigent Legal Services.

This amendment provides that all three categories of decisions made by the executive director or the executive director's designee are appealed to the full commission. All commission decisions, including decisions on these