

# 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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STATE OF MAINE  
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*

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

## *Joint Standing Committee on Judiciary*

appeals, constitute final agency action for purposes of review under the Maine Administrative Procedure Act. In addition, the amendment clarifies that all decisions of the executive director or the executive director's designee, other than the 3 categories of decisions appealable to the commission, constitute final agency action.

### **Enacted Law Summary**

Public Law 2011, chapter 141 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. Chapter 141 provides that three categories of decisions made by the executive director or the executive director's designee are appealable to the full commission. All commission decisions, including decisions on these appeals, constitute final agency action for purposes of review under the Maine Administrative Procedure Act. In addition, chapter 141 clarifies that all decisions of the executive director or the executive director's designee, other than the three categories of decisions appealable to the commission, constitute final agency action.

### **LD 609      An Act To Declare Certain Records of the Maine Commission on Indigent Legal Services Confidential**

**PUBLIC 260**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLISS	OTP-AM	S-179

This bill makes certain records in the possession of the Maine Commission on Indigent Legal Services confidential.

### **Committee Amendment "A" (S-179)**

This amendment clarifies the bill in 3 ways.

1. It provides that although individual client information is confidential as proposed in the bill, the names of criminal defendants are not confidential for all adult defendants and for juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime.
2. It provides that requests for funds become public after a case is completed.
3. It also provides that information obtained or gathered by the Maine Commission on Indigent Legal Services when performing an evaluation of an attorney is confidential but may be shared with the attorney who is the subject of the evaluation.

### **Enacted Law Summary**

Public Law 2011, chapter 260 makes certain records in the possession of the Maine Commission on Indigent Legal Services confidential. Specifically, the following are confidential:

1. Individual client information, except that the names of criminal defendants are not confidential for all adult defendants and for juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime;
2. Information that is subject to the attorney-client privilege or that is defined as confidential under the Maine Rules of Professional Conduct;
3. Personal contact information of commission-rostered attorneys, members of the commission and commission staff;