

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

1190.

LD 655 An Act To Provide Tribal Representation in the Senate

ONTP

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

This bill establishes a Senate Tribal Representative to represent the Penobscot Indian Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs at the Legislature. The position rotates among the nation, tribe and bands every 2 years as determined by agreement among the nation, tribe and bands. The position is established beginning in the 126th Legislature. The Senate Tribal Representative must be furnished a seat on the floor of the Senate, must be granted the privilege of speaking on the floor of the Senate on pending legislation and must be appointed to sit as a nonvoting member of a joint standing committee. The Senate Tribal Representative may be granted other rights and privileges approved by the Senate. The Senate Tribal Representative serves for 2 years and is entitled to receive a salary and allowances equal to the salary and allowances received by members of the Senate.

LD 665 An Act To Limit Claims of Exempt Property

ONTP

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

This bill specifies that claims of exempt property may not be used to protect against certain debts that would be excepted from discharge under federal bankruptcy law or judgments based on torts involving other than ordinary negligence on the part of the debtor.

LD 744 An Act To Amend the Definition of "Service Animal" To Conform with Federal Law

PUBLIC 369

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MALABY ROSEN R | OTP-AM | H-506 |

This bill changes the definition of "service animal" in the Maine Human Rights Act to conform with federal regulations adopted under the Americans with Disabilities Act.

See also LD 785.

Committee Amendment "A" (H-506)

This amendment replaces the bill.

The bill contains the definition of "service animal" as adopted by the United States Department of Justice in

Joint Standing Committee on Judiciary

regulations to implement the Americans with Disabilities Act of 1990. This definition is inconsistent with the definition of "service animal" adopted in regulations by the United States Department of Housing and Urban Development.

This amendment retains the current definition of "service animal" in the Maine Human Rights Act, which applies in fair housing circumstances, and adds the definition of "service animal" from the bill, which is specific to dogs, in public accommodations circumstances.

This amendment updates cross-references in the animal welfare laws in the Maine Revised Statutes, Title 7 and Title 17, the model white cane law in Title 17 and the miscellaneous crimes chapter in Title 17.

Enacted Law Summary

Public Law 2011, chapter 369 retains the current definition of "service animal" in the Maine Human Rights Act, which applies in fair housing circumstances, and adds the definition of "service animal" based on the federal ADA regulations, which is specific to dogs, for use in public accommodations circumstances.

Chapter 369 updates cross-references in the animal welfare laws in the Maine Revised Statutes, Title 7 and Title 17, the model white cane law in Title 17 and the miscellaneous crimes chapter in Title 17.

LD 746 An Act Regarding the Consent of Minors for Mental Health and Substance Abuse Aid

**MAJORITY
(ONTP) REPORT**

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

This bill provides conditions under which a minor may legally consent to treatment of abuse of alcohol or drugs or for emotional or psychological problems without the consent of the minor's parents or legal guardians.

LD 785 An Act Relating to Identification of Service Animals

ONTP

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

This bill clarifies the responsibility of the Department of Agriculture, Food and Rural Resources to provide municipalities with tags to identify dogs licensed as service dogs. It allows the owner or manager of a public place to request verification when a person accompanied by an animal is entering or within that place.

See also LD 744.