

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.

Joint Standing Committee on Judiciary

LD 787 An Act To Establish an Elder Victims Restitution Fund

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC MASON	OTP-AM	H-343

This bill establishes the Elder Victims Restitution Fund to compensate elder victims of financial crimes who are entitled to receive restitution from offenders but who are not receiving that restitution. The fund receives money from estates passing to the State of people who received restitution. The bill provides that a person who has been convicted of a crime of which a decedent was a victim may not benefit under the will of that decedent or by virtue of property held jointly with the decedent or contracts concerning the decedent to the extent of restitution owed by the person who has been convicted of a crime.

Committee Amendment "A" (H-343)

This amendment deletes language referencing the purposes of the new Elder Victims Restitution Fund created in the bill to avoid inconsistencies in terms and purposes.

This amendment strikes out the section amending the provision of existing law that prohibits killers from benefiting from their crimes against their victims. Instead, this amendment adds a new section to the Probate Code that prohibits a person convicted of any crime of which the decedent was a victim from benefiting to the extent the convicted person owes restitution to the decedent.

This amendment removes the provision of the bill that authorizes the Elder Victims Restitution Fund to accept private donations, federal funds and state funds designated by law.

Enacted Law Summary

Public Law 2011, chapter 241 establishes the Elder Victims Restitution Fund to compensate elder victims of financial crimes who are entitled to receive restitution from offenders but who are not receiving that restitution. The fund receives money from estates passing to the State of people who received restitution.

Chapter 241 prohibits a person convicted of any crime of which the decedent was a victim from benefiting to the extent the convicted person owes restitution to the decedent.

LD 791 An Act Regarding the Construction of New Court Facilities

ONTP

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

This bill requires that the designs for new court facilities must adequately address the space needs of the district attorneys and the attorneys providing indigent legal services. The Chief Justice or the Chief Justice's designee shall ensure that a statewide organization of district attorneys and the Maine Commission on Indigent Legal Services are consulted when designing the new facilities.