

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

LD 1087 An Act To Modernize the Procedure for Appeals in Criminal Cases

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN	ONTP MAJ OTP MIN	

Current law provides that a prosecutor is prohibited from filing an appeal in certain criminal matters without the written approval of the Attorney General. This bill allows the prosecutor to proceed with the appeal even after the Attorney General does not approve the appeal if at least 3 other district attorneys give their written approval.

**LD 1093 An Act To Require the State To Pay Costs and Fees in Actions against
Certain State Agencies**

ONTP

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

This bill authorizes the award of administrative costs or litigation costs to the prevailing party in an administrative action or a court action involving the Department of Administrative and Financial Services, Maine Revenue Services or the Department of Environmental Protection if the State is not the prevailing party.

LD 1101 An Act To Require Specificity in Deed Restrictions

ONTP

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

This bill requires that if a deed delivered after September 30, 2011 contains a provision or covenant restricting commercial activity, it must specifically state "timber harvesting" or "agricultural activity" in order for timber harvesting or agricultural activity to be restricted by the restrictive provision or covenant in that deed.

LD 1103 An Act To Speed Recovery of Amounts Due the State

PUBLIC 181

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

Joint Standing Committee on Judiciary

This bill clarifies the process by which administrative orders may be enforced by the State in order to expedite the time frame in which administrative orders can be enforced while preserving due process rights.

Enacted Law Summary

Public Law 2011, chapter 181 clarifies the process by which administrative orders may be enforced by the State in order to expedite the time frame in which administrative orders can be enforced while preserving due process rights.

LD 1104 **An Act To Direct the Judicial Branch To Take Requisite Measures To Collect Fines and Penalties** **PUBLIC 131**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP MAJ ONTP MIN	

This bill allows the judicial branch to contract with state agencies or private debt collection services to collect overdue fines and fees.

Enacted Law Summary

Public Law 2011, chapter 131 allows the judicial branch to contract with state agencies or private debt collection services to collect overdue fines and fees.

LD 1111 **An Act To Ensure Timely Resolution of Professional Negligence Claims** **LEAVE TO WITHDRAW**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT ALFOND	LTW	

Under the Maine Health Security Act, a person is allowed to commence an action for professional negligence only by first submitting the claim to a mandatory prelitigation screening and mediation panel.

This bill allows a claimant whose hearing has not been held within 18 months of the submission of the claim to the panel to bypass the panel and have the case heard in Superior Court.

LD 1135 **An Act To Protect the Rights of Property Owners** **MAJORITY (ONTP) REPORT**

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

This bill requires the State or a municipality or county to pay compensation for the enactment or application of land use regulations that reduce the fair market value of private property, with some exceptions.