

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 1193

An Act To Strengthen Confidentiality Laws for Child Victims of Crime

ONTP

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

Current law requires the Department of Health and Human Services to grant access to confidential records held by the department in connection with the department's child protective activities if a court determines that the records may be necessary for the determination of an issue before the court. Access is limited to counsel of record unless otherwise produced by the court.

This bill requires counsel of record to establish a basis for the counsel's claim that the confidential records contain evidence that is both material and favorable to the counsel's case before the court may grant access.

LD 1198

An Act To Reduce Regulations for Residential Rental Property Owners

PUBLIC 405

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI SNOWE-MELLO	OTP-AM	H-575 H-595 NASS

This bill makes changes to the residential rental property laws, including:

1. Eliminating the presumption that a forcible entry and detainer action commencing after a tenant files a fair housing complaint is retaliatory;
2. Removing, in a forcible entry and detainer action, the tenant's affirmative defense that the landlord failed to provide reasonable accommodation pursuant to the Maine Human Rights Act or the federal Fair Housing Act;
3. Preventing the tenant from raising the presumption of retaliation if the forcible entry and detainer action is being brought for failure to pay the rent or substantial damage to the premises by the tenant;
4. Requiring a tenant disputing a forcible entry and detainer action to submit an affidavit to the court that the tenant is not in arrears in payment of the rent as of the date of the filing of the forcible entry and detainer action;
5. Changing the responsibilities of a landlord regarding property abandoned by the tenant, including allowing the landlord to require that the tenant pay any rent or storage fees to the landlord prior to the landlord's releasing the property;
6. Removing the requirement that the landlord disclose to a prospective tenant the existence of a bedbug infestation in a neighboring unit and the history of inspection of the rental units;
7. Requiring the landlord to provide energy efficiency disclosures only upon request by a prospective tenant; and
8. Amending the radon testing requirements to require testing only when the residential rental property is acquired