

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 1426 An Act Concerning Notification to an Employer of Misrepresented Medical Information under the Maine Human Rights Act ONTP

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

Under current law, information obtained through a so-called "post-offer, preemployment physical" may be shared with supervisors and managers only for purposes of informing supervisors and managers about work restrictions or accommodations necessary for that employee. This bill authorizes such disclosure for the additional purpose of informing supervisors, managers and members of an employer's management team of any misrepresentation, untruthful statement or omission of information by the applicant or employee on any medical form, record or file.

LD 1448 An Act To Protect Time-share Condominium Associations ONTP

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

This bill provides an alternative to existing law for foreclosing time-share liens and mortgages. The bill allows the mortgagee or lienholder to foreclose the mortgage or lien by entry, if not opposed. The entry must be peaceable and must be in the presence of 2 witnesses. The notarized certificate of fact of the entry, signed by the witnesses, must be recorded in the registry of deeds. Possession obtained in this manner and continued for one year extinguishes the right of redemption.

LD 1457 An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons MAJORITY (ONTP) REPORT

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| CRAFTS MASON | ONTP MAJ OTP-AM MIN | |

This bill repeals the current law concerning consent for a minor's abortion.

This bill requires the notarized written consent of a parent or legal guardian before an abortion may be performed on a minor or an incapacitated person. Consent may be given in certain circumstances by a brother or sister who is at least 21 years of age or by a stepparent or a grandparent. Consent is not required in a medical emergency. The Probate Court or District Court may issue an order for the purpose of consenting to the abortion in two circumstances. First, the court may waive the need for parental consent if it finds by clear and convincing evidence that the petitioner is both sufficiently mature and well-informed to decide whether to have an abortion. Second, the court may waive the need for parental consent if the court finds by clear and convincing evidence that there is a pattern of physical or sexual abuse or neglect of the petitioner by one or both of her parents or her guardian, or that notification of a parent or guardian is not in the best interests of the petitioner.

Joint Standing Committee on Judiciary

See also LD 116 and LD 914.

Committee Amendment "A" (H-468)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment gives the Probate Court or the District Court 96 hours to rule and issue findings of fact and conclusions of law on a minor's or incapacitated person's request for an abortion without the consent of the parent or legal guardian. The bill requires a decision within 48 hours.

This amendment was not adopted.

LD 1465 An Act To Amend the Laws Governing Freedom of Access

Carried Over

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| ROSEN R | | |

This bill increases governmental transparency by enhancing the existing freedom of access laws to provide deadlines for responses to requests for public records, to ensure that requesters can access public records in the format requested and to require the designation of public access officers for every agency and political subdivision.

The bill provides funding for an Assistant Attorney General position located in the Office of the Attorney General to act as the public access ombudsman, which is a part-time position.

This bill was carried over to any special and/or regular session of the 125th Legislature pursuant to joint order, H.P. 1190.

LD 1473 An Act To Clarify Rights-of-way Laws

PUBLIC 312

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WEAVER SHERMAN | OTP-AM | H-440 |

Current law allows a person who owns land that abuts a proposed, unaccepted way ownership to the center line of that proposed way. This bill allows a person who owns land in a subdivision that abuts a proposed, unaccepted way to own the entire width of the way if the land on the opposite side of the way is not part of the subdivision and allows the person to own an extension of that portion of the way beyond the boundary of the person's land that is not bounded by another owner's land on the person's side of the way.

Committee Amendment "A" (H-440)

This amendment inserts into the Maine Revised Statutes, Title 33, section 469-A the actual effective date of Public Law 1987, chapter 385, which originally enacted section 469-A, to make explicit the proper application of that section.

Enacted Law Summary