

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
125<sup>TH</sup> 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 125<sup>th</sup> 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 125<sup>th</sup> 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 1480**

**An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 420  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-656 H-657 NASS H-667 NASS H-668 NASS H-669 NASS H-670 NASS H-674 NASS

This bill makes technical changes in the Laws of Maine.

**Committee Amendment "A" (H-656)**

This amendment includes both technical and substantive changes to the laws.

This amendment designates the provisions of the bill as Part A.

Part B includes technical corrections to sections originally printed in the bill.

Part C makes technical corrections.

Part D includes changes that may be considered substantive. Section 1 clarifies that the new subsection added by Public Law 2011, chapter 122 applies to only residential leases or contracts. Sections 2 to 5 correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 passed earlier in the session and ensure that implementation of the law occur. Section 6 provides that the changes in Part D take effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is the effective date of Public Law 2011, chapter 122 and chapter 60.

Part E makes substantive changes to carry out the intent of the Joint Standing Committee on Environment and Natural Resources concerning mercury-added thermostats. Part E includes a retroactive effective date provision to make the entire Part apply retroactively to June 3, 2011.

Part F corrects a clerical error in Public Law 2011, chapter 172 concerning teacher contracts. This is a substantive change that carries out the intent of the Joint Standing Committee on Education and Cultural Affairs. This Part takes effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is when chapter 172 takes effect.

Part G corrects the membership changes in the Advisory Committee on College Savings enacted by Public Law 2011, chapter 150 as intended by the Joint Standing Committee on Education and Cultural Affairs. Part G deletes wording that was inadvertently retained and corrects the effective date and transition language.

**House Amendment "A" To Committee Amendment "A" (H-657)**

This amendment amends Committee Amendment "A" by adding a part that amends Public Law 2011, chapter 302 to

## *Joint Standing Committee on Judiciary*

correct inconsistent terminology concerning reciprocity in the enforcement of tolls.

### **House Amendment "E" To Committee Amendment "A" (H-670)**

This amendment corrects inconsistencies in terminology in Public Law 2011, chapter 402, which establishes a process to allow a child who is the subject of a permanency guardianship to be adopted by the permanency guardian.

This amendment adds an effective date section to make this correction take effect when Public Law 2011, chapter 402 takes effect, which is 90 days after the adjournment of the First Regular Session of the 125th Legislature.

### **House Amendment "B" To Committee Amendment "A" (H-667)**

This amendment corrects language relating to transfers of certain sales tax revenue to the State Transit, Aviation and Rail Transportation Fund to incorporate changes inadvertently omitted from Public Law 2011, chapter 209 and Public Law 2011, chapter 380, Part G.

### **House Amendment "D" To Committee Amendment "A" (H-669)**

This amendment deletes an unnecessary word inadvertently included in the description of the Department of Public Safety, Bureau of State Police's accident report database in Public Law 2011, chapter 390.

### **House Amendment "C" To Committee Amendment "A" (H-668)**

This amendment amends Committee Amendment "A" by adding a part that amends the option for state employees and teachers who return to work subsequent to their retirement to apply to those individuals who retire after September 1, 2011 rather than those who retire on or after July 1, 2011.

### **House Amendment "F" To Committee Amendment "A" (H-674)**

This amendment makes corrections to resolve conflicts and inconsistencies created by Public Law 2011, chapter 286 and Public Law 2011, chapter 406. Both chapters amended statutes concerning the licensing of electricians. Chapter 406 repealed the requirement that electrical companies be licensed as entities. This Part amends provisions in the electrician licensing laws to be consistent with that repeal by eliminating references to violations by firms and corporations. The requirements that apply to the different licenses for electricians are not affected.

### **Enacted Law Summary**

Public Law 420 includes both technical and substantive changes to the laws.

Parts A, B and C make technical corrections.

Part D includes changes that may be considered substantive. Section 1 clarifies that the new subsection added by Public Law 2011, chapter 122 applies to only residential leases or contracts. Sections 2 to 5 correct technical issues in language adopted pursuant to Public Law 2011, chapter 60 passed earlier in the session and ensure that implementation of the law occur. Section 6 provides that the changes in Part D take effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is the effective date of Public Law 2011, chapter 122 and chapter 60.

Part E makes substantive changes to carry out the intent of the Joint Standing Committee on Environment and Natural Resources concerning mercury-added thermostats. Part E includes a retroactive effective date provision to make the entire Part apply retroactively to June 3, 2011.

Part F corrects a clerical error in Public Law 2011, chapter 172 concerning teacher contracts. This is a substantive change that carries out the intent of the Joint Standing Committee on Education and Cultural Affairs. This Part takes effect 90 days after the adjournment of the First Regular Session of the 125th Legislature, which is when chapter 172 takes effect.

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Part G corrects the membership changes in the Advisory Committee on College Savings enacted by Public Law 2011, chapter 150 as intended by the Joint Standing Committee on Education and Cultural Affairs. Part G deletes wording that was inadvertently retained and corrects the effective date and transition language.

Part H amends Public Law 2011, chapter 302 to correct inconsistent terminology concerning reciprocity in the enforcement of tolls. Part H applies retroactively to June 20, 2011.

Part I corrects inconsistencies in terminology in Public Law 2011, chapter 402, which establishes a process to allow a child who is the subject of a permanency guardianship to be adopted by the permanency guardian. Part G takes effect when Public Law 2011, chapter 402 takes effect, which is 90 days after the adjournment of the First Regular Session of the 125th Legislature.

Part J corrects language relating to transfers of certain sales tax revenue to the State Transit, Aviation and Rail Transportation Fund to incorporate changes inadvertently omitted from Public Law 2011, chapter 209 and Public Law 2011, chapter 380, Part G.

Part K deletes an unnecessary word inadvertently included in the description of the Department of Public Safety, Bureau of State Police's accident report database in Public Law 2011, chapter 390.

Part L amends the option for state employees and teachers who return to work subsequent to their retirement to apply to those individuals who retire after September 1, 2011 rather than those who retire on or after July 1, 2011, as was enacted by Public Law 2011, chapter 380, Part MMM.

Part M makes corrections to resolve conflicts and inconsistencies created by Public Law 2011, chapter 286 and Public Law 2011, chapter 406. Both chapters amended statutes concerning the licensing of electricians. Chapter 406 repealed the requirement that electrical companies be licensed as entities. This Part amends provisions in the electrician licensing laws to be consistent with that repeal by eliminating references to violations by firms and corporations. The requirements that apply to the different licenses for electricians are not affected. Part M is effective 90 days after the adjournment of the First Regular Session of the 125th Legislature.

Public Law 2011, chapter 420 was enacted as an emergency measure effective July 6, 2011 unless otherwise provided.

### **LD 1482     An Act To Provide That Private Transfer Fee Obligations on Real Property Are Void and Unenforceable**

**PUBLIC 200**

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

This bill provides that private transfer fee obligations on real property are void and unenforceable.

#### **Enacted Law Summary**

Public Law 2011, chapter 200 provides that private transfer fee obligations on real property are void and unenforceable.