

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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OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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 1496 An Act To Enforce Immigration Laws and Restrict Benefits to Legal Citizens

ONTP

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

This bill requires a law enforcement officer who legally detains a person for a suspected criminal or civil violation to require that person to provide proof of citizenship in addition to name, address and date of birth. If a law enforcement officer has a reasonable suspicion that the person is an illegal alien, the officer must attempt to determine the immigration status of the person. A person illegally in the United States who has been convicted of a crime in this State, following completion of the punishment, must be transferred immediately to the custody of the United States Immigration and Customs Enforcement or the United States Customs and Border Protection.

This bill also requires an applicant for state assistance under the Temporary Assistance for Needy Families program, the MaineCare program or the food stamp program or for municipal assistance to be a legal resident of the United States and a resident of this State.

LD 1502 An Act To Amend the Maine Business Corporation Act

PUBLIC 274

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PRIEST HASTINGS	OTP-AM	H-363

This bill amends the Maine Business Corporation Act to reflect recent changes made to the model act on which the Maine Business Corporation Act is based.

Committee Amendment "A" (H-363)

This amendment retains the provisions of the bill and does the following:

1. It provides that if more than one form of communication is used, a notice or other communication is effective when the earliest of the applicable methods occurs;
2. It specifically allows articles of incorporation and bylaws to authorize or require electronic notice of directors' meetings; and
3. It provides that the execution of a certificate or articles containing one or more false statements constitutes unsworn falsification under the Maine Revised Statutes, Title 17-A, section 453.

Enacted Law Summary

Public Law 2011, chapter 274 amends the Maine Business Corporation Act to reflect recent changes made to the model act on which the Maine Business Corporation Act is based. It also provides that the execution of a certificate or articles containing one or more false statements constitutes unsworn falsification under the Maine Revised Statutes, Title 17-A, section 453. Public Law 2011, chapter 274 provides that if more than one form of communication is used, a notice or other communication is effective when the earliest of the applicable methods occurs. It also specifically allows articles of incorporation and bylaws to authorize or require electronic notice of

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directors' meetings.

LD 1517 An Act To Amend the Uniform Principal and Income Act

PUBLIC 256

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ	OTP-AM	S-167

This bill incorporates the 2008 amendments to the Uniform Principal and Income Act approved by the National Conference of Commissioners on Uniform State Laws. The Uniform Comments as updated in 2008 are included for the changes to current law in the Uniform Principal and Income Act, the Maine Revised Statutes, Title 18-A, sections 7-749 and 7-765. According to the National Conference of Commissioners on Uniform State Laws, these amendments were drafted to clarify two discrete portions of the Uniform Principal and Income Act, sections 409 (Title 18-A, section 7-749 in Maine law) and 505 (Title 18-A, section 7-765 in Maine law), and a new transition section 606 (Title 18-A, section 7-774 in Maine law) to facilitate the technical implementation of the amendments. The amendments to Title 18-A, section 7-749 should serve to resolve issues brought about by IRS Revenue Ruling 2006-26 and assist separate funds within a trust in qualifying for the IRS estate tax marital deduction safe harbors. The Title 18-A, section 7-765 amendments should allow mandatory income trusts that own an entity to retain the proper amount of funds from distributions to meet their existing tax obligations.

Title 18-A, section 7-774 is added to provide that the changes in Title 18-A, section 7-749 apply on the date of the decedent's death for trusts not funded as of January 1, 2012, the effective date provided in this bill, and for trusts initially funded during 2012. For all other trusts, the changes apply on January 1, 2012.

Committee Amendment "A" (S-167)

This amendment provides that an election that qualifies for a marital deduction under federal law also applies to property that will not be used to qualify for the federal marital deduction but will be needed for qualification as a Maine qualified terminable interest property.

Enacted Law Summary

Public Law 2011, chapter 256 incorporates the 2008 amendments to the Uniform Principal and Income Act approved by the National Conference of Commissioners on Uniform State Laws. The Uniform Comments as updated in 2008 are included for the changes to current law in the Uniform Principal and Income Act, the Maine Revised Statutes, Title 18-A, sections 7-749 and 7-765. It clarifies two discrete portions of the Uniform Principal and Income Act, sections 409 (Title 18-A, section 7-749 in Maine law) and 505 (Title 18-A, section 7-765 in Maine law), and a new transition section 606 (Title 18-A, section 7-774 in Maine law) to facilitate the technical implementation of the amendments. Changes made to Title 18-A, section 7-749 serve to resolve issues brought about by IRS Revenue Ruling 2006-26 and assist separate funds within a trust in qualifying for the IRS estate tax marital deduction safe harbors.

Public Law 2011, chapter 256 allows mandatory income trusts that own an entity to retain the proper amount of funds from distributions to meet their existing tax obligations.

It adds Title 18-A, section 7-774 to provide that the changes in Title 18-A, section 7-749 apply on the date of the decedent's death for trusts not funded as of January 1, 2012 and for trusts initially funded during 2012. For all other trusts, the changes apply on January 1, 2012.

Public Law 2011, chapter 256 also provides that an election that qualifies for a marital deduction under federal law also applies to property that will not be used to qualify for the federal marital deduction but will be needed for