

# 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  
125<sup>TH</sup> LEGISLATURE  
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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*

qualification as a Maine qualified terminable interest property.

**LD 1530**     **An Act To Amend the Housing Provisions of the Maine Human Rights Act**     **Carried Over**

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

This bill amends the Maine Human Rights Act in order to maintain its substantial equivalency with the federal Fair Housing Act and to update the accessible building requirements in public housing.

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

**LD 1531**     **An Act To Amend the Maine Human Rights Act Regarding Accessible Building Standards**     **PUBLIC 322**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-214

This bill amends the Maine Human Rights Act to update the accessible building requirements in the Maine Revised Statutes, Title 5, chapter 337, subchapter 5 in light of the adoption of the 2010 ADA Standards for Accessible Design by the federal Department of Justice on September 15, 2010.

**Committee Amendment "A" (S-214)**

This amendment makes four changes to the bill.

First, this amendment deletes the additional accessibility standards that would apply for alterations subject to the new standards when the alterations to an existing building exceed \$100,000.

Second, this amendment adjusts the threshold of construction or alterations that trigger barrier-free certification from \$50,000 to \$75,000. The \$50,000 threshold was established in 1995, and raising the threshold to \$75,000 roughly approximates the effect of inflation.

Third, this amendment applies the waiver for structural impracticability to all facilities that require mandatory plan review and certification that standards are met, rather than limiting the waiver to private entities as provided in the bill.

Fourth, this amendment authorizes the Joint Standing Committee on Judiciary to introduce a bill in the Second Regular Session of the 125th Legislature to implement any recommendations after a review of the new standards and a comparison with the federal standards that take effect March 15, 2012.

**Enacted Law Summary**

Public Law 2011, chapter 322 amends the Maine Human Rights Act to update the accessible building requirements in the Maine Revised Statutes, Title 5, chapter 337, subchapter 5 in light of the adoption of the 2010 ADA Standards for Accessible Design by the federal Department of Justice on September 15, 2010.

***Joint Standing Committee on Judiciary***

Chapter 322 authorizes the Joint Standing Committee on Judiciary to introduce a bill in the Second Regular Session of the 125th Legislature to implement any recommendations after a review of the new standards and a comparison with the federal standards that take effect March 15, 2012.

**LD 1543      An Act To Allow Counties To Opt Out of Maine Judicial Marshal Service** **MAJORITY (ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DC RAYE	ONTP MAJ OTP-AM MIN	

This bill provides that if a county elects to have its court security services provided by its qualified deputy sheriffs, the State Court Administrator shall contract with that county sheriff's office for the performance of court security-related functions and services.

**Committee Amendment "A" (H-605)**

This amendment is the minority report of the Joint Standing Committee on Judiciary and incorporates a fiscal note.

This amendment was not adopted.

**LD 1546      An Act To Amend the Laws Governing the Deference Afforded to Agency Decisions** **Carried Over**

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

This bill requires a court, in an appeal of an agency's interpretation of the statutes in making or administering rules under the Maine Administrative Procedure Act, to conduct a de novo review. The bill also clarifies that, on questions of fact, the court is required to defer to the agency unless the court finds that the agency's findings of fact are unsupported by substantial evidence.

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

**LD 1576      An Act To Clarify the Award of Fees in Domestic Violence Cases** **PUBLIC 303 EMERGENCY**

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

This bill limits the award of court costs and reasonable attorney's fees to a defendant in a protection from abuse matter to cases when a judgment is entered against the plaintiff after a hearing where both parties are present and the