

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
SECOND REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

June 2012

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STATE OF MAINE

125TH LEGISLATURE
SECOND REGULAR SESSION



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 Second 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.

<i>CARRIED OVER</i>	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i>	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i>	<i>House & Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i>	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i>	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i>	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i>	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i>	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i>	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i>	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i>	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i>	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ...	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&S XXX</i>	<i>chapter # of enacted private & special law</i>
<i>PUBLIC XXX</i>	<i>chapter # of enacted public Law</i>
<i>RESOLVE XXX</i>	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session of the 125th Legislature is Thursday, August 30, 2012. 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 1684 An Act To Amend the Uniform Commercial Code Regarding Motor Vehicle Warranties

PUBLIC 523

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

This bill allows a seller or manufacturer of a motor vehicle to indicate that, to the extent permitted by law, the seller or manufacturer is excluding or modifying implied warranties.

Enacted Law Summary

Public Law 2011, chapter 523 allows a seller or manufacturer of a motor vehicle to indicate that, to the extent permitted by law, the seller or manufacturer is excluding or modifying implied warranties.

LD 1687 An Act To Clarify the Liability of 3rd-party Building Inspectors

**MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOULTON RECTOR	ONTP MAJ OTP-AM MIN	

This bill clarifies the law to ensure that 3rd-party inspectors acting pursuant to the Maine Uniform Building and Energy Code or a local building code have the same protection from liability under the Maine Tort Claims Act as other persons acting on behalf of a governmental entity.

Committee Amendment "A" (H-811)

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

This amendment replaces the bill and provides limitations on damages and actions against 3rd-party building inspectors who perform services on behalf of either builders or municipalities leading to the issuance of a municipal certificate of occupancy. This amendment establishes limitations similar to those that apply to municipal building inspectors under the Maine Tort Claims Act.

This amendment was not adopted.

LD 1690 An Act To Protect the Privacy of Social Workers

ONTP

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

This bill specifies that the score of a person taking the examination for licensure as a social worker, a clinical social worker or a master social worker is confidential and not subject to public disclosure under the freedom of access

Joint Standing Committee on Judiciary

laws.

LD 1698 An Act To Establish Veterans Treatment Courts

**PUBLIC 500
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALONEY GOODALL	OTP-AM	H-729

This bill authorizes the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts. It also authorizes the State Court Administrator to seek federal funding for these courts.

This bill is presented in memory of former Army Ranger Justin Crowley-Smilek of Farmington, who served his country in Afghanistan.

Committee Amendment "A" (H-729)

This amendment revises the emergency preamble to clarify that the bill provides help for veterans who are involved in the criminal justice system.

The Chief Justice of the Supreme Judicial Court may establish veterans treatment courts, which are specialized sentencing dockets in select criminal cases in which the defendant is a veteran or a member of the United States Armed Forces. The specialized dockets will enable veterans agencies and social service agencies to provide treatment for that defendant. The Supreme Judicial Court may adopt administrative orders and court rules of practice as necessary.

The State Court Administrator as well as other state departments and social service agencies may seek federal funding for the veterans treatment courts. The treatment is not provided by the courts but by participating social service agencies and government departments.

The bill as amended is presented in the memory of former Army Ranger Justin Crowley-Smilek of Farmington, a decorated combat veteran who received both the National Defense Service Medal and the Joint Service Achievement Medal and who served his country in Afghanistan.

Enacted Law Summary

Public Law 2011, chapter 500 is intended to provide help for veterans who are involved in the criminal justice system.

The Chief Justice of the Supreme Judicial Court may establish veterans treatment courts, which are specialized sentencing dockets in select criminal cases in which the defendant is a veteran or a member of the United States Armed Forces. The specialized dockets will enable veterans agencies and social service agencies to provide treatment for that defendant. The Supreme Judicial Court may adopt administrative orders and court rules of practice as necessary.

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The bill as amended was presented in the memory of former Army Ranger Justin Crowley-Smilek of Farmington, a decorated combat veteran who received both the National Defense Service Medal and the Joint Service Achievement Medal and who served his country in Afghanistan.