

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

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.

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 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.

Joint Standing Committee on Judiciary

Public Law 2011, chapter 500 was enacted as an emergency measure effective March 14, 2012.

LD 1726 An Act to Make Technical Corrections to the Laws Governing the Indian Representatives to the Legislature

**PUBLIC 467
EMERGENCY**

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

Current law authorizes a member of the Houlton Band of Maliseet Indians elected by it to represent the Houlton Band of Maliseet Indians to the Legislature. This bill changes Public Law 2009, chapter 636 to provide that, for the Second Regular Session of the 125th Legislature, the member may be appointed rather than elected by the Houlton Band of Maliseet Indians. This bill was presented by Speaker Nutting and enacted without reference to a committee.

Enacted Law Summary

Current law authorizes a member of the Houlton Band of Maliseet Indians elected by it to represent the Houlton Band of Maliseet Indians to the Legislature. Public Law 2011, chapter 467 amends Public Law 2009, chapter 636 to provide that, for the Second Regular Session of the 125th Legislature, the member may be appointed rather than elected by the Houlton Band of Maliseet Indians.

Public Law 2011, chapter 467 was enacted as an emergency measure effective January 4, 2012.

LD 1796 An Act Relating to False Claims under the Medicaid Program

ONTP

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

This bill enacts the MaineCare False Claims Act in order to protect the State and the Federal Government against false and fraudulent claims under the Medicaid program, known in the State as the MaineCare program. This bill provides authorization for qui tam actions, which are brought by a person for the benefit of the person and the State in the name of the State. This bill provides protection from discrimination for an employee who participates in a qui tam action. This bill provides possible recoveries for the person who brings the qui tam action in addition to recoveries for the State. This bill establishes the MaineCare False Claims Act Fund to receive the proceeds payable to the State as a result of false claims litigation to be used for investigatory, enforcement and litigation expenses.

LD 1801 An Act To Create Efficiencies in Cases Concerning Court-ordered Child Contact and Care by Providing for Parent Education

**MAJORITY
(ONTP) REPORT**

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