

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. DAVID R. HASTINGS III, CHAIR
SEN. RICHARD G. WOODBURY
SEN. CYNTHIA A. DILL

REP. JOAN M. NASS, CHAIR
REP. G. PAUL WATERHOUSE
REP. MICHAEL G. BEAULIEU
REP. RALPH W. SARTY, JR.
REP. BRADLEY S. MOULTON
REP. LESLIE T. FOSSEL
REP. CHARLES R. PRIEST
REP. MAEGHAN MALONEY
REP. MEGAN M. ROCHELO

REP. KIMBERLY MONAGHAN-DERRIG

STAFF:

MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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

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	

Joint Standing Committee on Judiciary

This bill addresses the issue of parents who do not comply with court orders concerning residential care of or contact with a child. If a parent fails to allow a child to spend time with the other parent as required in the court order or fails to return the child as required in the court order, the court may, in addition to imposing other sanctions or remedies, order the parent in violation of the court order to participate in parent education.

Committee Amendment "A" (S-433)

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

This amendment replaces the bill to confirm that the court has the authority to require participation in a parenting education program as part of any order concerning parental rights and responsibilities. Although courts have this authority now, this amendment includes specific mention of the authority to order participation in parenting education to endorse court-ordered referrals of parents to parenting education programs while leaving it to the discretion of a judge or magistrate in each case to take into account relevant considerations, such as the availability of a program in the area, the parties' ability to afford to pay for the program or get a fee waiver, the existence of domestic violence or other appropriate factors.

This amendment was not adopted.

**LD 1802 An Act To Implement Recommendations of the Commission To Study
Priorities and Timing of Judicial Proceedings in State Courts**

PUBLIC 559

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-463

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to Resolve 2011, chapter 104, section 9. This bill incorporates the recommendations of the Commission To Study Priorities and Timing of Judicial Proceedings in State Courts.

Part A of the bill replaces varied statutory language regarding the priority of cases in court dockets with uniform language in statutes dealing with issues including civil appeals to Superior Court, animal welfare, the Maine Labor Relations Board, administrative licenses and other miscellaneous civil provisions.

Part B of the bill eliminates a provision regarding speedy trials for those arrested for traffic infractions, as it is duplicative.

Part C amends the protection from harassment statutes. It adds the commission's proposed uniform language to the provision regarding dissolution or modification of protection from harassment orders. It amends the definition of "harassment" by limiting damage to property to only business property and by repealing language describing harassment as 3 or more acts that are made with the intent to deter the free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine or the United States Constitution. It repeals as unnecessary a provision regarding whether reasonable efforts have been made by the court to give written or oral notice to a defendant in a hearing regarding an allegation of harassment, which is a criterion as to whether the court may enter a temporary protection from harassment order. It also amends the process of seeking a protection from harassment order by requiring that if the alleged harassment does not meet the definition of "harassment" in the Maine Revised Statutes, Title 5, section 4651, subsection 2, paragraph C, the plaintiff must seek and file a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A or a statement of good cause why a notice was not sought or obtained.

Committee Amendment "A" (S-463)