

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
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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 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

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)

Joint Standing Committee on Judiciary

The bill amends the definition of "harassment" in the protection from harassment laws to limit qualifying damage to property to damage to business property. This amendment removes that limitation and amends the definition to include damage to personal property only.

The bill requires that, except in a narrow category of situations, a person seeking a protection from harassment order must first seek a cease harassment notice under the Maine Revised Statutes, Title 17-A, section 506-A. This amendment expands that list of situations in which a notice under Title 17-A, section 506-A is not required to include cases related to allegations of domestic violence, violence against a dating partner, sexual assault and stalking. These are facts already identified by the court as important in hearing complaints seeking protection from harassment orders.

Enacted Law Summary

Public Law 2011, chapter 559 is based on the recommendations of the Commission to Study Priorities and Timing of Judicial Proceedings in State Courts.

Part A 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 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 personal 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. Notice under Title 17-A, section 506-A is not required in cases related to allegations of domestic violence, violence against a dating partner, sexual assault and stalking. These are facts already identified by the court as important in hearing complaints seeking protection from harassment orders.

LD 1804 An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions

PUBLIC 524

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill is reported out by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

This bill incorporates recommendations of the Right To Know Advisory Committee relating to its review of existing public records exceptions in the Maine Revised Statutes, Titles 22 to 25.

Enacted Law Summary