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.

CARRIED OVER
CON RES XXX chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE
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 PASSAGEemergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE
FAILED, MANDATE ENACTMENTlegislation 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 BODYruled 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
PUBLIC XXX
RESOLVE XXX
VETO SUSTAINEDLegislature failed to override Governor's veto

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.

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and regulatory fairness review. This amendment replaces the appropriations and allocations section.

This amendment was not adopted.

Under Committee Amendment "B" the cause of action for a regulatory taking does not apply to regulations enacted prior to August 1, 2013. This amendment changes the date to August 1, 2015. This amendment also adds an effective date of July 1, 2013 to the provisions of the amendment establishing the land use mediation program and regulatory fairness review. This amendment removes the appropriations and allocations section.

This amendment was not adopted.

LD 1824 An Act To Provide Immunity for Prescribing and Dispensing Intranasal ONTP Naloxone Kits

Sponsor(s)	Committee Report	Amendments Adopted
	ONTP	

This bill provides immunity for health care professionals and persons who assist a person who is experiencing or likely to experience an opiate-related drug overdose with intranasal naloxone. This bill is a recommendation from the Substance Abuse Services Commission's work group convened pursuant to Resolve 2011, chapter 81 and is submitted by the Joint Standing Committee on Health and Human Services.

LD 1831 An Act To Allow Forfeiture of Maine Public Employees Retirement System Benefits for Persons Convicted of Certain Crimes

PUBLIC 606

Sponsor(s)	Committee Report	Amendments Adopted
FOSSEL KATZ	OTP-AM	Н-838

This bill permits a court to order the forfeiture of benefits of a public employee who is a member of the Maine Public Employees Retirement System if the member is convicted of a crime for which the penalties are equal to or greater than a Class C crime if the crime is committed in connection with the member's public office or public employment or if the member's position placed the member in a position to commit the crime.

The bill also provides that amounts credited to the account of a member of the retirement system are available to pay any court-ordered restitution for economic loss suffered by the State or a political subdivision of the State as the result of the crime.

Committee Amendment "A" (H-838)

This amendment replaces the bill but carries out the intent of the bill to give a court discretion to order the forfeiture of retirement benefits of a member of the Maine Public Employees Retirement System who commits a crime in connection with the member's public office or public employment or a crime the member's position placed the member in a position to commit.

Enacted Law Summary

Public Law 2011, chapter 606 gives a court discretion to order the forfeiture of retirement benefits of a member of the Maine Public Employees Retirement System, including the gubernatorial retirement system, the legislative

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retirement system and the judicial retirement system, who commits a crime in connection with the member's public office or public employment or a crime the member's position placed the member in a position to commit.

Chapter 606 allows the court to award to the spouse, dependent or former spouse of the employee benefits that would otherwise be payable if not for the forfeiture because of the crime. The Maine Public Employees Retirement System is required to provide information concerning the member's membership that the court considers relevant to the determination of the amount of an award pursuant to an order of the court. The Maine Public Employees Retirement System is not required to provide any additional benefits or benefit options.

LD 1860 An Act To Allow Marriage Licenses for Same-sex Couples and Protect Religious Freedom

INDEF PP

Sponsor(s)	Committee Report	Amendments Adopted

This initiated bill repeals the provision that limits marriage to one man and one woman and replaces it with the authorization for marriage between any 2 persons that meet the other requirements of Maine law. It also specifies that a marriage between 2 persons of the same sex in another state that is valid in that state is valid and must be recognized in this State. It also provides that a member of the clergy is not required to perform and a church, religious denomination or other religious institution is not required to host a marriage in violation of the religious beliefs of that member of the clergy, church, religious denomination or other religious institution and that any such refusal cannot be the basis for a lawsuit or liability and does not affect the tax-exempt status of the church, religious denomination or other religious institution.

This initiated bill will appear on the November 2012 ballot.

LD 1868 An Act To Correct Errors and Inconsistencies in the Laws of Maine

PUBLIC 691 EMERGENCY

Sponsor(s)	Committee Report	Amendments Adopted
	OTP-AM	H-928
		S-566 HASTINGS
		S-585 HASTINGS
		S-586 HASTINGS

This bill is submitted to the Joint Standing Committee on Judiciary pursuant to Title 1, section 94.

Part A makes technical corrections in the laws of Maine.

Part B corrects one reference to the Department of Administration and several references to the Bureau of Public Improvements, which is now the Bureau of General Services.

Committee Amendment "A" (H-928)

This amendment deletes sections in the bill addressing provisions of law that have been addressed in other