

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2013

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STATE OF MAINE

126TH LEGISLATURE

FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE.....Committee of Conference unable to agree; legislation died
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 PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation 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 BODY ruled 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..... chapter # of enacted private & special law
PUBLIC XXX.....chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 126th Legislature is October 9, 2013. 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 19 An Act To Facilitate Access to Information by Legislators

ONTP

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

This bill requires an agency or official having custody of a public record to waive inspection, copying and mailing fees if the requester is a member of the Legislature who serves on the legislative committee having subject matter jurisdiction over the agency or official.

LD 37 Resolve, Regarding Legislative Review of Portions of Chapter 4: Rules of Practice, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

**RESOLVE 33
EMERGENCY**

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

This resolve provides for legislative review of portions of Chapter 4: Rules of Practice, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The provisionally adopted rule provides that it is the Land Use Planning Commission’s intent to interpret and apply the term “person aggrieved” whenever it appears in statute or rule consistent with Maine state court decisions that address judicial standing requirements for appeals of final agency action. LD 37 was originally referred to the Agriculture, Conservation and Forestry Committee.

Enacted Law Summary

Resolve 2013, Chapter 33 authorizes final adoption of portions of Chapter 4: Rules of Practice, a major substantive rule of the Department of Agriculture, Conservation and Forestry. The provisionally adopted rule provides that it is the Land Use Planning Commission’s intent to interpret and apply the term “person aggrieved” whenever it appears in statute or rule consistent with Maine state court decisions that address judicial standing requirements for appeals of final agency action.

Resolve 2013, chapter 33 was finally passed as an emergency measure effective May 29, 2013.

LD 45 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WILLETTE JACKSON T	OTP-AM ONTP	

This bill makes the statutory changes necessary to include a representative of the Aroostook Band of Micmacs in the Maine House of Representatives beginning with the 127th Legislature. It requires the Tribal Clerk of the Aroostook Band of Micmacs to furnish the outgoing Clerk of the House of Representatives with a certification of the name and residence of the Representative-elect of the Aroostook Band of Micmacs to the Legislature. It also authorizes the Representative of the Aroostook Band of Micmacs to be compensated in the same manner as other members of the House of Representatives.