

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
126<sup>TH</sup> 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

126<sup>TH</sup> 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 126<sup>th</sup> 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 126<sup>th</sup> 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<br>JACKSON T | OTP-AM<br>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.

## *Joint Standing Committee on Judiciary*

### **Committee Amendment "A" (H-141)**

This amendment is the majority report of the Joint Standing Committee on Judiciary. It provides for the appointment, rather than the election, of the initial Representative to the Legislature of the Aroostook Band of Micmacs to the 127th Legislature. It also provides that the changes do not take effect unless the Aroostook Band of Micmacs approves them and provides certification of that approval to the Secretary of State within 90 days of the adjournment of the First Regular Session of the 126th Legislature. The amendment also adds an appropriations and allocations section to cover the costs of renovating the House Chamber and to provide for compensation, expenses and other costs attributable to an additional member of the House of Representatives.

This amendment was not adopted.

### **LD 46      An Act To Protect Maine Business Names**

**PUBLIC 99**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BECK<br>LACHOWICZ | OTP-AM                  | H-60                      |

This bill requires the Secretary of State to disregard certain words, symbols and numbers when determining whether the name of a business entity is distinguishable from the names of other business entities.

### **Committee Amendment "A" (H-60)**

This amendment replaces the bill. The amendment addresses a potential ambiguity with regard to the reservation of a business name under the laws governing nonprofit corporations, business corporations, limited liability partnerships, limited partnerships and limited liability companies. The change clarifies that although a subsequent reservation is not considered a renewal of the reserved name, the same name can be reserved by the same applicant after the 120-day reservation period expires. A different applicant is also eligible to reserve the name once the 120-day period expires.

This amendment also directs the Secretary of State to develop options for the filing and protection of business names, and to report those options to the Joint Standing Committee on Judiciary by February 15, 2014. The Joint Standing Committee on Judiciary may submit a bill in response to the report.

### **Enacted Law Summary**

Public Law 2013, chapter 99 addresses a potential ambiguity with regard to the reservation of a business name under the laws governing nonprofit corporations, business corporations, limited liability partnerships, limited partnerships and limited liability companies. The change clarifies that although a subsequent reservation is not considered a renewal of the reserved name, the same name can be reserved by the same applicant after the 120-day reservation period expires. A different applicant is also eligible to reserve the name once the 120-day period expires.

Public Law 2013, chapter 99 also directs the Secretary of State to develop options for the filing and protection of business names, and to report those options to the Joint Standing Committee on Judiciary by February 15, 2014. The Joint Standing Committee on Judiciary may submit a bill in response to the report.