

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

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 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.