

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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MARGARET J. REINSCH, SENIOR ANALYST
SUSAN Z. JOHANNESMAN, ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

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 206 An Act To Protect Title to Real and Personal Property of Public Employees and Public Officials

**PUBLIC 160
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAHAM BURNS	OTP-AM	H-174

This bill permits a civil action by a public employee to recover damages from a person who files a lien or encumbrance against the real or personal property of the public employee knowing or believing the lien or encumbrance to be false or without legal authority. The public employee is authorized to recover damages in the amount of the value of the lien or encumbrance and legal costs attributable to bringing legal action.

Committee Amendment "A" (H-174)

This amendment replaces the bill and adds an emergency preamble and emergency clause.

The amendment establishes an expedited process for a court to declare that a lien or encumbrance is without a legal basis. The expedited process authorizes a public employee or public official to file a motion for a judicial declaration if the lien or encumbrance was filed by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

The amendment also provides a civil penalty against a person who knowingly files, attempts to file or causes to be filed in a registry of deeds a lien or other encumbrance against the real or personal property of a public employee or a public official if that person knows the lien or encumbrance is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

Enacted Law Summary

Public Law 2013, chapter 160 establishes an expedited process for a court to declare that a lien or encumbrance is without a legal basis. The expedited process authorizes a public employee or public official to file a motion for a judicial declaration if the lien or encumbrance was filed by a person who knows the recordable instrument is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties. Chapter 160 also provides a civil penalty against a person who knowingly files, attempts to file or causes to be filed in a registry of deeds a lien or other encumbrance against the real or personal property of a public employee or a public official if that person knows the lien or encumbrance is without a legal basis or was filed or presented for filing with the intent that the instrument be used to harass or hinder the public employee or public official in the exercise of the employee's or official's duties.

Public Law 2013, chapter 160 was enacted as an emergency measure effective May 29, 2013.

LD 207 An Act Regarding the Factors Considered in Determining the Best Interest of a Child in a Court Award of Parental Rights and Responsibilities

ONTP

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

Joint Standing Committee on Judiciary

Current law requires the court, in deciding issues regarding a child's residence and parent-child contact, to consider the relationship of the child with persons who may significantly affect the child's welfare.

This bill specifically includes in this category of persons the current spouses or domestic partners of the child's parents.

LD 208 An Act To Amend the Charter of St. Mark's Home for Women in Augusta P & S 6

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIOT KATZ	OTP-AM	H-48

This bill changes the charter of St. Mark's Home for Women in Augusta by changing the name of the home to St. Mark's Home.

Committee Amendment "A" (H-48)

This amendment amends the bill to ensure that providing a residence for women will continue to be a responsibility of St. Mark's Home if the home's board of directors changes the policy to accommodate men as well as women.

Enacted Law Summary

Private and Special Law 2013, chapter 6 changes the name of St. Mark's Home for Women and also ensures that providing a residence for women will continue to be a responsibility of St. Mark's Home if the home's board of directors changes the policy to accommodate men as well as women.

LD 209 An Act To Strengthen the Rights of Grandparents under the Grandparents Visitation Act ACCEPTED MAJORITY (ONTP) REPORT

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

This bill amends the Grandparents Visitation Act to provide a definition of "significant existing relationship." A grandparent who can prove a sufficient existing relationship with a grandchild has standing to seek contact with the child. This new definition provides that a grandparent who proves that the grandparent is playing or has played a significant beneficial role in the child's life can establish standing to proceed with the action. This bill makes clear that, although acting as a parent to a child meets the requirements of a "sufficient existing relationship" with a child that is not the only relationship that meets the requirements.

LD 217 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Access to Records Relating to Public-private Partnerships ONTP

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