

# 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 495      An Act Regarding the Law Pertaining to the Confidentiality of  
Enhanced 9-1-1 System Information and Records**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill amends the law pertaining to the confidentiality of information and records of the E-9-1-1 system. The bill:

1. Clarifies the types of agencies that are subject to the current law governing the confidentiality of E-9-1-1 system information and records;
2. Defines the term "information or records declared to be confidential under other law" by providing that the term includes, but is not limited to, information or records that relate to a pending law enforcement investigation or a pending criminal prosecution;
3. Ensures that transcripts of E-9-1-1 call recordings may be accurately prepared;
4. Clarifies the types of disclosures of confidential information and records that are prohibited under the law; and
5. Clarifies actions that constitute a violation of E-9-1-1 confidentiality requirements.

**Committee Amendment "A" (S-151)**

This amendment is the minority report of the Joint Standing Committee on Judiciary. It changes the penalty for intentionally releasing confidential information from a Class E crime to a civil violation.

This amendment was not adopted.

**LD 503      An Act To Amend the Limited Liability Company Laws**

**PUBLIC 58  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO PRIEST	OTP-AM	S-22

This bill changes the requirements for the name of a limited liability company that is filing an assumed name or registering a name of a foreign limited liability company to make the provision consistent with the other entity filing laws.

**Committee Amendment "A" (S-22)**

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

**Enacted Law Summary**

Public Law 2013, chapter 58 changes the requirements for the name of a limited liability company that is filing an assumed name or registering a name of a foreign limited liability company to make the provision consistent with the other entity filing laws. Public Law 2013, chapter 424 (LD 1536, the Errors Bill), Part C, Section 2

*Joint Standing Committee on Judiciary*

authorizes the Secretary of State to not charge the regular filing fee to a limited liability company that files a statement of correction to change its name pursuant to the statutory changes made in chapter 58 if the statement of correction is filed on or before October 1, 2013.

Public Law 2013, chapter 58 was enacted as an emergency measure effective May 3, 2013.

**LD 512 An Act To Allow Licensed Foresters To Use Mechanics Liens**

**ACCEPTED  
MAJORITY  
(ONTP) REPORT**

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

This bill adds licensed foresters to the list of people who can place a lien on the property of another for nonpayment of services.

**LD 522 An Act To Amend the Guardian Ad Litem Laws**

**ONTP**

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

This bill implements the recommendations included in the report "Recommendations for an Improved Process for Complaints Regarding Guardians Ad Litem" submitted to the Supreme Judicial Court in 2012 by the Guardian Ad Litem Task Force, appointed by Chief Justice Saufley. Current law requires a guardian ad litem appointed in a family matters case to submit a written report to the parties and the court.

This bill requires a written report only if the court directs the guardian ad litem to file a report. This bill provides that the Supreme Judicial Court may adopt rules governing guardians ad litem appointed in family matters cases under the Maine Revised Statutes, Title 19-A and in child protective cases under Title 22. The rules may cover registration or certification, qualifications, standards of practice, continuing education requirements and discipline. Discipline includes a process to provide for the just determination of complaints from parties in actions under Title 19-A and Title 22.

See LD 872, An Act To Improve the Quality of Guardian ad Litem Services for the Children and Families of Maine.

**LD 548 An Act To Amend the Laws Governing the Award of Spousal Support in Divorce Actions**

**PUBLIC 327**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JOHNSON D YOUNGBLOOD	OTP-AM	H-330

This bill makes the following changes regarding spousal support in divorce actions.

1. It renames "general support" as "transitional support."
2. It removes the rebuttable presumption against an award of transitional support for marriages shorter than 10