

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
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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.

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years in duration.

3. It provides for an end to transitional support if either party dies or reaches normal retirement age or if the party receiving support remarries or cohabits with someone for more than one year.
4. It provides that an award of transitional support may be modified for any other significant change in circumstances of either party.
5. It renames "transitional support" as "rehabilitative support" and limits the award of rehabilitative support to four years from the date the divorce action is filed.
6. It eliminates the ability of the court to award nominal support.

Committee Amendment "A" (H-330)

This amendment replaces the bill. It provides that all spousal support orders issued on or after October 1, 2013 can be modified as the court determines justice requires. Current law prohibits modification of an order that expressly states it cannot be modified.

Current law allows modification of an order upon cohabitation by the recipient. This amendment makes clear that a spousal support order is subject to termination as justice requires when it can be shown that the recipient of the spousal support and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

Enacted Law Summary

Public Law 2013, chapter 327 provides that all spousal support orders issued on or after October 1, 2013 can be modified as the court determines justice requires.

Public Law 2013, chapter 327 provides that a spousal support order is subject to termination as justice requires when it can be shown that the recipient of the spousal support and another person have entered into a mutually supportive relationship that is the functional equivalent of marriage that has existed for at least 12 months of a period of 18 consecutive months.

LD 549

An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age

CARRIED OVER

Sponsor(s)

WELSH
PLUMMER

Committee Report

OTP-AM
ONTP

Amendments Adopted

This bill allows a person who is 21 years of age or older to petition the Secretary of State to expunge a criminal record of the person if the crime was committed when the person was between 18 and 20 years of age and it is the person's only criminal conviction.

Committee Amendment "A" (H-544)

This amendment is the majority report of the Joint Standing Committee on Judiciary and it replaces the bill. It establishes a process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction. An eligible criminal conviction must meet 6 requirements in order for the person to be eligible for special treatment of the conviction information. The person must have been at least 18 years of age but under 21 years of age when the person committed the crime, and the crime is limited to Class E theft. In addition, at least four years must have passed since the person has fully satisfied

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each of the sentencing alternatives imposed for the conviction of the Class E theft. The Class E theft conviction must be the only criminal conviction of the person in this State, the person may not have been adjudicated as having committed a juvenile crime for which the hearing was open to the general public under the Maine Revised Statutes, Title 15, section 3307 and the person may not have had a criminal charge dismissed as a result of a deferred disposition pursuant to Title 17-A, chapter 54-F. The person may have no criminal convictions from another jurisdiction, and no criminal charges may be pending in this State or in another jurisdiction.

Unlawfully releasing the restricted information is a violation of the release of confidential information under the criminal history record information laws under Title 16, chapter 3, subchapter 8.

The provisions establishing the process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction are repealed October 1, 2017.

This amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

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| LD 550 | An Act To Require Probate Judges, Registers of Probate and Registers of Deeds To Be Appointed | ONTP |
|---------------|--|-------------|

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to reform the probate court system to require probate judges to be appointed by the Governor and confirmed by the Senate. The Governor will appoint 16 probate judges, one to sit in each county, and each county will continue to pay the salary of the probate judge and the expenses of the probate court and probate registry in that county. The Maine Code of Judicial Conduct will apply to probate judges, therefore prohibiting them from practicing law and receiving compensation in addition to their salaries through fees or other payments. The Constitution of Maine, Article VI will apply to probate judges.

This bill proposes that registers of probate, rather than being elected as provided in the Probate Code, will be appointed by the probate judge in that county. This bill proposes that registers of deeds, rather than being elected, will be appointed by the county commissioners of the counties in which they serve.

This bill proposes that the probate courts, probate judges, registers of probate and registers of deeds in all other aspects will continue to function as in current law.

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| LD 551 | An Act To Establish Certification Standards for Guardians Ad Litem | ONTP |
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|-----------------------------|---------------------------------|---------------------------|
| <u>Sponsor(s)</u> BROOKS | <u>Committee Report</u> ONTP | <u>Amendments Adopted</u> |
|-----------------------------|---------------------------------|---------------------------|

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to direct the Supreme Judicial Court to