

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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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.

Joint Standing Committee on Judiciary

LD 686 Resolve, To Increase Funding for Indigent Legal Aid Provided to Wabanaki Tribal Members ONTP

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

This resolve directs the Maine Commission on Indigent Legal Services to amend its rules to increase the reimbursement rate for indigent legal services provided to a member of the Penobscot Nation, Passamaquoddy Tribe, Houlton Band of Maliseet Indians or Aroostook Band of Micmacs from \$50 per hour to \$80 per hour effective January 1, 2014.

LD 687 An Act To Amend the Law Concerning Protection from Abuse Orders To Include Pets PUBLIC 109

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOLAND CUSHING	OTP	

This bill amends the law concerning protection from abuse orders to allow the court to include provisions in protection from abuse orders, including temporary orders, that direct the defendant to refrain from injuring or threatening to injure an animal that is owned, possessed, leased, kept or held by either party or a minor child residing in the household.

Enacted Law Summary

Public Law 2013, chapter 109 allows the court to include provisions in protection from abuse orders, including temporary orders, that direct the defendant to refrain from injuring or threatening to injure an animal that is owned, possessed, leased, kept or held by either party or a minor child residing in the household.

LD 688 An Act Concerning Adverse Possession ONTP

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

This bill provides that a person may not use a claim of adverse possession to gain ownership of property against an owner of record who has paid property taxes on the property during the period for which the claimant has asserted being in possession of the property.

LD 725 An Act To Implement the Recommendations of the Judicial Compensation Commission CARRIED OVER

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

This bill implements the recommendations of the Judicial Compensation Commission. It increases the salary of justices in the Supreme Judicial Court, Superior Court and District Court to provide a cost-of-living increase equal

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to the amount that would have been awarded had statutory increases been granted in fiscal year 2003-04, fiscal year 2004-05, fiscal year 2010-11, fiscal year 2011-12 and fiscal year 2012-13. It also changes the reporting deadline for the Judicial Compensation Commission from December 1st to December 15th.

This bill was 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).

See related provision in Public Law 2013, chapter 368, Part BB (biennial budget). Part BB directs the State Court Administrator to adjust upward the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by 3% on July 1, 2013 and by 3% on July 1, 2014.

LD 726 An Act To Adopt the Uniform Parentage Act ONTP

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

This bill is a concept draft pursuant to Joint Rule 208. It proposes to adopt a law that is based on the Uniform Parentage Act. In addition to any substantive changes to the uniform act that may be adopted by the Legislature, the basic numbering system, the mechanical structure and the internal organization of the law recommended by the National Conference of Commissioners on Uniform State Laws will be altered to conform to numbering, structure and organization of the Maine Revised Statutes.

See LD 419, Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Other Similar Laws and Proposals, finally passed as Resolve 2013, chapter 12.

LD 733 An Act To Improve the Child Support Collection Process ONTP

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

This bill allows the Commissioner of Health and Human Services and the court to order that the Secretary of State issue a work-restricted license when a driver's license has been suspended for nonpayment of child support. It separates the determination of nonsupport from the administrative hearing on the question of noncompliance.

The bill requires that, when an obligor requests a hearing on noncompliance with an order of support, an administrative hearing officer within the Department of the Secretary of State conduct the hearing and report the decision back to the Department of Health and Human Services for issuance.

LD 744 An Act To Extend the Statute of Limitations on Certain Civil Professional Negligence Suits PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO	OTP-AM	S-232