

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

Protection.

Committee Amendment "A" (H-277)

This amendment is the minority report of the Joint Standing Committee on Judiciary. It provides that final adoption of portions of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule provisionally adopted by the Department of Environmental Protection is authorized only if the rule consists solely of a provision that the board interprets and applies the term "aggrieved person" in a manner consistent with Maine court decisions that address judicial standing requirements for appeals of final agency action. It also removes the emergency preamble and emergency clause from the resolve.

This amendment was not adopted.

Enacted Law Summary

Resolve 2013, chapter 65 authorizes the final adoption of Chapter 2: Rules Concerning the Processing of Applications and Other Administrative Matters, a major substantive rule of the Department of Environmental Protection.

Resolve 2013, chapter 65 was finally passed as an emergency measure effective June 22, 2013.

LD 864 An Act Regarding Service of Small Claims Notices

CARRIED OVER

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

This bill permits service of a statement of claim in a small claims court proceeding by alternate means as permitted for service of a summons and complaint under the Maine Rules of Civil Procedure, Rule 4(g).

Committee Amendment "A" (S-178)

This amendment adds a repeal date of February 15, 2016 to the requirement in the bill that rules adopted by the Supreme Judicial Court must permit service of a statement of claim in a small claims court proceeding by alternate means. The amendment 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).

LD 869 An Act To Relax Divorce Requirements for Victims of Domestic Violence

ONTP

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

This bill allows a person to file for divorce without meeting the six-month residency requirement if the person resides in the State and produces a valid and currently-effective protection from abuse order or its equivalent from another jurisdiction and the person's spouse is the defendant subject to the order.