

# 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

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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 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.

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perform and will not be expected to perform any duties beyond those specified in the order, unless subsequently ordered to do so by the court.

The order appointing a guardian ad litem in a case under Title 18-A and Title 19-A must also specify the hourly rate or flat fee for the guardian ad litem, the timing of the payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court.

The Supreme Judicial Court shall provide by rule for a complaint process concerning guardians ad litem. The complaint process is in addition to the right of a party to file a motion to remove the guardian ad litem while the case is pending.

The entire chapter on children's guardians ad litem is repealed October 1, 2017.

The judicial branch is directed to include guardian ad litem elements in its request for proposals for the new case management system for the courts.

The Chief Judge of the District Court is directed to report to the Joint Standing Committee on Judiciary by February 15, 2017 on the adoption of rules to implement the new chapter, establishment of a complaint process, recommendations concerning evaluations by parties and the adoption of standards of conduct for guardians ad litem. Funding is provided for one full-time position and one part-time position for the Judicial Department beginning January 1, 2015.

### **LD 884      An Act To Improve Death Investigations**

**PUBLIC 113**

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

This bill allows the Chief Medical Examiner to appoint qualifying persons who are not physicians as medicolegal death investigators with the authority to go to death scenes and conduct investigations and inquiries into the cause, manner and circumstances of death in medical examiner cases. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner.

#### **Enacted Law Summary**

Public Law 2013, chapter 113 allows the Chief Medical Examiner to appoint qualifying persons who are not physicians as medicolegal death investigators with the authority to go to death scenes and conduct investigations and inquiries into the cause, manner and circumstances of death in medical examiner cases. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner.

### **LD 900      An Act Regarding the Disclosure of Certain Records in Criminal Matters**

**PUBLIC 201**

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

This bill allows state, county and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional

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right to any of the information in the records, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). The bill also permits state, county and municipal employees to disclose personnel records at the request of prosecutors in support of the prosecutors' efforts to comply with their constitutional duties.

### **Enacted Law Summary**

Public Law 2013, chapter 201 allows state, county and municipal government employers to disclose otherwise confidential personnel records to prosecutors when it is necessary for the determination of whether or not a defendant has a constitutional right to any of the information in the records, in accordance with *Brady v. Maryland*, 373 U.S. 83 (1963) and *Giglio v. United States*, 405 U.S. 150 (1972). Chapter 201 also permits state, county and municipal employees to disclose personnel records at the request of prosecutors in support of the prosecutors' efforts to comply with their constitutional duties.

**LD 912      An Act To Provide Another Alternative to the Civil Order of Arrest Process      PUBLIC 150**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NELSON KATZ	OTP-AM	H-175

This bill allows a judgment creditor to request a court to issue an order for appearance as an alternative means of enforcing a debtor's failure to appear in court after having been served with a disclosure subpoena. It also authorizes a court to order the Department of Labor to provide recent employment information to a judgment creditor upon a judgment debtor's failure to appear in court in response to a disclosure subpoena or contempt subpoena.

### **Committee Amendment "A" (H-175)**

This amendment adds a repeal date of February 15, 2016 to the changes made in the bill. It also provides for the provisions of the current law to be effective again beginning February 15, 2016.

### **Enacted Law Summary**

Public Law 2013, chapter 150 allows a judgment creditor to request a court to issue an order for appearance as an alternative means of enforcing a debtor's failure to appear in court after having been served with a disclosure subpoena. It also authorizes a court to order the Department of Labor to provide recent employment information to a judgment creditor upon a judgment debtor's failure to appear in court in response to a disclosure subpoena or contempt subpoena. The changes made to the law in chapter 150 are repealed February 15, 2016.

**LD 913      An Act To Promote Excursion Passes by Amending the Law Governing Expiration Dates on Gift Obligations and Stored-value Cards Redeemable with Multiple Sellers      ONTP**

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

This bill amends the Uniform Unclaimed Property Act to exempt gift obligations and stored-value cards that are redeemable with multiple unaffiliated sellers from the provision in the Act that prohibits expiration dates for gift obligations and stored-value cards.