

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

MEMBERS:

SEN. LINDA M. VALENTINO, CHAIR
SEN. JOHN L. TUTTLE
SEN. DAVID C. BURNS

REP. CHARLES R. PRIEST, CHAIR
REP. KIM J. MONAGHAN-DERRIG
REP. JENNIFER DECHANT
REP. MATTHEW W. MOONEN
REP. STEPHEN W. MORIARTY
REP. LISA RENEE VILLA
REP. JARROD S. CROCKETT
REP. MICHAEL G. BEAULIEU
REP. ANITA PEAVEY HASKELL
REP. STACEY K. GUERIN
REP. WAYNE T. MITCHELL

STAFF:

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

**LD 972 An Act To Educate Women on the Medical Risks Associated with
Abortion**

**LEAVE TO
WITHDRAW**

Sponsor(s)

AYOTTE
JACKSON T

Committee Report

Amendments Adopted

This bill requires that in order to ensure that informed consent is obtained from a woman seeking an abortion, specific information, including the results of an ultrasound or sonogram of the fetus, must be provided both orally and in writing to a woman seeking an abortion at least 24 hours before the abortion is performed. The Department of Health and Human Services shall develop a brochure that contains required information and provide copies to physicians and make the brochure available online.

**LD 973 An Act To Make Veterans' Property Tax Exemption Applications
Confidential**

**PUBLIC 222
EMERGENCY**

Sponsor(s)

BRIGGS
TUTTLE

Committee Report

OTP-AM

Amendments Adopted

H-231
H-260 BRIGGS

This bill exempts from the freedom of access laws applications and supporting documentation filed by a person seeking an exemption from property tax provided to a veteran or the family of a deceased veteran.

Committee Amendment "A" (H-231)

This amendment adds a mandate preamble.

House Amendment "A" (H-260)

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

Enacted Law Summary

Public Law 2013, chapter 222 exempts from the freedom of access laws applications and supporting documentation filed by a person seeking an exemption from property tax provided to a veteran or the family of a deceased veteran. Chapter 222 was enacted with a mandate preamble.

Public Law 2013, chapter 222 was enacted as an emergency measure effective June 10, 2013.

LD 974 An Act To Prevent Fraudulent Trademark Registration

ONTP

Sponsor(s)

NEWENDYKE
BURNS

Committee Report

ONTP

Amendments Adopted

This bill prohibits the filing of a trademark if the trademark is in use in the State by another and directs the Secretary of State to conduct a brief search on the Internet to determine if the information provided on a trademark application is correct.

Joint Standing Committee on Judiciary

This bill also requires a person making a fraudulent registration of a trademark to pay all damages to a person injured by the registration, including court costs and attorney's fees, and directs the Attorney General to prosecute the crime as an unsworn falsification and seek all legal remedies, including equitable relief, from the court.

LD 975 An Act To Ensure Accountability of Guardians Ad Litem and Parenting Coordinators

**ACCEPTED
MAJORITY
(ONTP) REPORT**

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

This bill ensures that guardians ad litem and parenting coordinators are accountable. This bill:

1. Requires the court to impose limits on the extent of investigations to be undertaken by a guardian ad litem to prevent escalation of conflict and antagonistic conduct of the parents and to protect children from long-term exposure to traumatic processes;
2. Requires all guardians ad litem and parenting coordinators to have sufficient education and training in social work;
3. Requires the court to set expenditure limits on guardian ad litem and parenting coordinator fees and any other costs incurred in investigations or the completion of the duties of the appointment;
4. Removes the quasi-judicial immunity provided to guardians ad litem and parenting coordinators by statute; and
5. Allows a cause of action and the award of punitive damages against guardians ad litem and parenting coordinators who falsely accuse parties of abuse or neglect or who intentionally exclude from reports to the parties or the court relevant information.

Committee Amendment "A" (H-434)

This amendment is the minority report of the Joint Standing Committee on Judiciary. The bill removes quasi-judicial immunity established under the current law for guardians ad litem appointed under the Maine Revised Statutes, Title 18-A, Title 19-A and Title 22, and for parenting coordinators appointed under Title 19-A. This amendment provides that there is no civil liability for a guardian ad litem or parenting coordinator for good faith acts or omissions that are within the scope of the duties of the guardian ad litem or parenting coordinator, as long as there is no gross negligence. The cause of action against the guardian ad litem or parenting coordinator as proposed in the bill is retained.

This amendment was not adopted.

See LD 872, An Act to Improve the Quality of Guardian as litem service for the Children and Families of Maine.

LD 982 An Act To Create a Gambling Offset To Enhance the Collection of Child Support

PUBLIC 255

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|---------------------|-------------------------|---------------------------|
| GUERIN VALENTINO | OTP-AM | H-449 |