

# 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.

## *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

## *Joint Standing Committee on Judiciary*

This bill requires that licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

### **Committee Amendment "A" (H-449)**

This amendment requires licensees that conduct pari-mutuel wagering on horse racing in this State, in addition to the licensees that operate slot machines and table games as included in the bill, to intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

This amendment clarifies that, if the licensee is unable to obtain the child support obligor information from the registry owner on a real-time basis after attempting in good faith to do so, the licensee may make payment to the individual.

The bill requires the licensee to transmit the amount withheld to the Department of Health and Human Services within 24 hours. This amendment extends the time to transmit the withheld amount to within seven days.

This amendment clarifies that the information obtained by the department or the registry operator from a licensee and the information obtained by the licensee from the department or the registry operator are confidential. It provides that knowing or intentional disclosure of the information is a civil violation for which a fine not to exceed \$1,000 may be adjudged.

This amendment provides that a licensee who fails to make a good faith effort to obtain information from the registry operator or who fails to withhold and transmit the amount of the lien is liable to the department for the greater of \$500 and the amount the licensee is required to withhold and transmit to the department, together with costs, interest and reasonable attorney's fees.

The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2013, chapter 255 requires that licensees that conduct pari-mutual wagering on horse racing in this State and licensees that operate slot machines and table games intercept the gambling winnings of individuals with outstanding child support debt and requires that those amounts be forwarded to the Department of Health and Human Services.

**LD 1000      An Act To Protect Maine Consumers**

**ONTP**

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

This bill provides that it is an unfair trade practice for a contract for goods or services provided primarily to a resident individual or business to require disputes regarding the contract to be governed by the law of a jurisdiction other than this State or to require a resident individual or business to submit to the jurisdiction of another location for the resolution of disputes regarding the contract.