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

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.

LD 1081   **An Act To Establish Legislative Standing in Judicial Proceedings**   **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
CUSHING	ONTP	
LOCKMAN		

This bill provides that a group of 25 or more Legislators acting in good faith have standing to intervene in any court proceeding to defend a law enacted by the Legislature if the constitutionality, legality or application of the law is at issue. The group of Legislators may request that the Attorney General represent them in the proceeding or may employ private counsel, but state funds may not be used to cover the cost of private representation.

LD 1091   **An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees**   **ONTP**

Sponsor(s)	Committee Report	Amendments Adopted
THOMAS	ONTP	
LOCKMAN		

The purpose of this bill is to make publicly available the salaries of employees of nonprofit corporations.

This bill provides that this salary information must be provided on a nonprofit corporation's publicly accessible website, or through other comparable means, and must be provided to any member of the public upon request.

This salary information must also be provided in the nonprofit corporation's annual report to the Secretary of State. Churches are not subject to the requirements of this bill.

LD 1107   **An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case**   **PUBLIC 294**

Sponsor(s)	Committee Report	Amendments Adopted
FREY	OTP-AM	H-318

This bill amends the child protection law to make clear that the court has authority to completely dispose of a child protective case by entering an order awarding parental rights and responsibilities under Title 19-A, section 1653.

Committee Amendment "A" (H-318)

The bill requires notice to the parties that a family matters case will be opened to dispose of the child protective case through the use of an order awarding parental rights and responsibilities.

This amendment clarifies that the court must ensure that proper notice is given, but, unlike the bill, does not apply Rule 4 of the Maine Rules of Civil Procedure.

This amendment requires that the court direct the clerk to open a family matters case on behalf of the parties.

This amendment provides that the court, upon entering an order awarding parental rights and responsibilities, may dismiss the child protection action or, if the order is a provisional order awarding parental rights and responsibilities, direct that the child protection action must be dismissed upon the expiration of a period not to