

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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STATE OF MAINE

126TH 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 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 1253 An Act To Allow Tribal Members a Choice of Venue

ONTP

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

This bill provides that the jurisdiction over certain tribal members in civil and criminal actions is shared concurrently by the state courts and the tribal courts of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians. An eligible defendant may move the action from the state court to the tribal court or from the tribal court to the state court at the beginning of the action. Both parties in a civil action must agree to transfer the action from the state court to the tribal court.

This bill also provides for consistent jurisdiction in the Penobscot Tribal Court over certain actions involving members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians and the Penobscot Nation.

This legislation takes effect only if the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians certify their approval.

LD 1331 An Act To Amend the Law Pertaining to Defective or Unreasonably Dangerous Implantable Medical Devices and Pharmaceuticals

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODALL	OTP-AM ONTP	S-163

This bill requires a user or consumer who has been injured by defective, unreasonably dangerous goods or products to bring a civil action within six years after the date that both that injury and its cause are known or should have been known by the exercise of reasonable diligence.

Committee Amendment "A" (S-163)

The bill requires a user or consumer who has been injured by defective, unreasonably dangerous goods or products to bring a civil action within six years after the date that both that injury and its cause are known or should have been known by the exercise of reasonable diligence. This amendment, which is the majority report of the committee, limits the type of civil actions subject to the six year limitation to actions against sellers of pharmaceuticals or implantable medical devices and provides definitions of those terms.

LD 1339 An Act To Strengthen the Consent Laws for Abortions Performed on Minors and Incapacitated Persons

**ACCEPTED
MAJORITY
(ONTP) REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS THIBODEAU	ONTP OTP-AM	

This bill repeals the current law concerning consent for a minor's abortion.

This bill requires the written consent of a parent or legal guardian before an abortion may be performed on a minor