

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

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

tribal provisions of the federal Violence Against Women Act of 1994 and to provide services to victims of domestic violence. The Attorney General is required to report to the Joint Standing Committee on Judiciary by January 1, 2014.

Committee Amendment "A" (H-275)

This amendment replaces the resolve and directs the Attorney General to report on discussions among representatives of the governments of the four federally recognized tribes in the State, domestic violence advocates and the State concerning the social, economic and legal issues involved in domestic violence on tribal lands and coordination of tribal and state efforts to address domestic violence.

Enacted Law Summary

Resolve 2013, chapter 51 directs the Attorney General to report on discussions among representatives of the governments of the four federally recognized tribes in the State, domestic violence advocates and the State concerning the social, economic and legal issues involved in domestic violence on tribal lands and coordination of tribal and state efforts to address domestic violence.

Resolve 2013, chapter 51 was finally passed as an emergency measure effective June 11, 2013.

LD 1401	An Act To Amend the Laws Governing the Issuance of and Access to Birth Certificates and Certain Medical Information	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KENT GERZOFSKY	ONTP	

This bill:

1. Eliminates the current restriction that an adoptee be at least 18 years of age for the court to release medical or genetic information contained in court records relating to the adoption; and
2. Repeals the provisions of law that require that an original birth record of an adoptee be sealed and that a new certificate of birth be created.

LD 1424	An Act To Increase Mileage Reimbursement and Compensation for Jurors	CARRIED OVER
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS ALFOND	OTP-AM	

This bill changes the mileage rate paid to jurors and witnesses from 15¢ per mile and 22¢ per mile, respectively, to the rate paid by the State for travel by employees of the State for the business of the State, which is currently 44¢ per mile. This bill also increases the daily rate paid to jurors and witnesses from \$10 to \$20.

Committee Amendment "A" (H-232)

This amendment strikes out the provisions of the bill that increase the compensation and mileage rates for court witnesses. The amendment also adds an appropriations and allocations section to the bill.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and

Joint Standing Committee on Judiciary

H-C (H-582).

LD 1428 An Act To Protect Religious Freedom

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS TIMBERLAKE		

This bill creates the Preservation of Religious Freedom Act, which allows a person whose right to exercise the person's religion is burdened by a government law or exercise of authority to bring an action in court seeking equitable or monetary damages unless the government remedies the burden or shows that the law or exercise of authority is the least restrictive means of furthering a compelling governmental interest.

This bill was carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1445 An Act To Facilitate Children's Testimony

CARRIED OVER

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

This bill allows a court, by motion from the State, to allow the testimony of a child who is 10 years of age or younger and the alleged victim of a sexual assault or sexual exploitation outside of the presence of the defendant if the court finds by clear and convincing evidence that the protection of the judicial process or the well-being of the child outweighs the constitutional rights of the defendant to confront the defendant's accuser. This bill requires that testimony by a child victim outside the presence of the defendant must be televised by live, two-way closed-circuit television with adequate provisions including that the court, jury and defendant can hear and observe the child. This bill does not allow testimony of a child outside of the presence of the defendant if the defendant is an attorney pro se or if a positive identification of the defendant by the child is required.

Committee Amendment "A" (H-385)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It removes from the bill the provision providing that the court, before allowing special procedures for a child's testimony, must find that the constitutional rights of the defendant are outweighed. The amendment also adds an appropriations and allocations section.

This bill was committed to the Joint Standing Committee on Appropriations and Financial Affairs and carried over to any special or regular session of the 126th Legislature by joint order, H.P. 1145, as amended by H-B (H-580) and H-C (H-582).

LD 1450 An Act To Connect the Citizens of the State to the State's Natural Resources by Establishing Standards for Relief from Regulatory Burdens

ACCEPTED MAJORITY (ONTP) REPORT

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