

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
SECOND REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

May 2014

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
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

STATE OF MAINE
126TH LEGISLATURE
SECOND REGULAR SESSION
LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

The *Digest* is arranged 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.

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 HOUSESHouse & 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
EMERGENCYenacted 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 Second Regular Session of the 126th Legislature is August 1, 2014. 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

Public Law 2013, chapter 566 increases the amount that may be retained in district attorneys' extradition accounts from \$20,000 to \$30,000 and expands the uses of the funds in the accounts to allow it to be used to pay for fees or expenses, including witness fees, incurred by the district attorney in a criminal prosecution.

LD 1660 An Act Regarding Bad Faith Assertions of Patent Infringement

PUBLIC 543

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASKELL DECHANT	OTP-AM OTP-AM	S-442

This bill authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act.

Committee Amendment "B" (S-443)

This amendment is the minority report of the committee and incorporates a fiscal note.

Committee Amendment "A" (S-442)

This amendment is the majority report of the committee and adds an exemption for demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e) (2) or Title 42 of the United States Code, Section 262.

Enacted Law Summary

Public Law 2013, chapter 543 authorizes a person against whom a bad faith assertion of patent infringement has been made to bring a civil action in Superior Court for equitable relief, damages, court costs and fees and punitive damages. It authorizes the Attorney General to bring an action and it provides that a bad faith assertion of patent infringement is a violation of the Maine Unfair Trade Practices Act. Chapter 543 exempts demand letters and assertions of patent infringement that include a claim for relief arising under Title 35 of the United States Code, Section 271(e)(2) or Title 42 of the United States Code, Section 262.

LD 1688 An Act To Streamline Enforcement of Child Support Orders Issued by the Penobscot Nation

**PUBLIC 479
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL VALENTINO	OTP-AM	H-639

This bill authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the parent with whom the child is living.

Committee Amendment "A" (H-639)

This amendment provides that an appeal of the Secretary of State's suspension of an operator's license must be filed in Superior Court, not the Penobscot Nation Tribal Court.

Enacted Law Summary

Public Law 2013, chapter 479 authorizes the Secretary of State to suspend the operator's license of a person who is in violation of an order issued by the Penobscot Nation for the support and maintenance of a child or a child and the