

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
126<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

May 2014

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**STATE OF MAINE**  
126<sup>TH</sup> 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 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 Second Regular Session of the 126<sup>th</sup> 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

*Joint Standing Committee on Judiciary*

parent with whom the child is living.

Public Law 2013, chapter 479 was enacted as an emergency measure effective March 16, 2014.

**LD 1697 An Act To Provide Funding for the Veterans Treatment Courts**

**PUBLIC 584**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOWLE BOYLE	OTP-AM	H-649 S-538 HILL

This bill provides a General Fund appropriation of \$1,158,797 in fiscal year 2014-15 for the Judicial Department to expand access to veterans treatment courts statewide.

**Committee Amendment "A" (H-649)**

This amendment replaces the bill. It provides funding for one half-time Assistant District Attorney to participate in veterans treatment courts.

**Senate Amendment "A" To Committee Amendment "A" (S-538)**

This amendment reduces the General Fund cost of the bill by \$42,045 in fiscal year 2014-15 by paying for the one-half Assistant District Attorney position through savings from managing vacancies within the Department of Defense, Veterans and Emergency Management.

**Enacted Law Summary**

Public Law 2013, chapter 584 provides funding for one half-time Assistant District Attorney to work in the Veterans Treatment Court by recognizing Personal Services savings in the Department of Defense, Veterans and Emergency Management.

**LD 1720 An Act To Improve the Operations of the Office of the Attorney General**

**Died On  
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JORGENSEN VALENTINO	OTP-AM	H-707

This bill funds a litigation support position within the Office of the Attorney General as well as a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator. Additionally, this bill appropriates funds necessary to allow the Office of the Chief Medical Examiner to provide for statutorily authorized payments to medical examiners, reimbursement to funeral homes and funds for contracted forensic pathologist services necessary for the operation of the office.

**Committee Amendment "A" (H-707)**

This amendment deletes from the bill the proposed funding for a trial preparation assistant in the Criminal Division within the Office of the Attorney General and a part-time position to serve as the Domestic Abuse Homicide Review Panel Coordinator.

The amendment increases the proposed funding to the Office of the Chief Medical Examiner within the Office of the Attorney General by \$10,000 in fiscal year 2014 and \$20,000 in fiscal year 2015 to cover the anticipated costs of preparing histological slides.