

MAINE STATE LEGISLATURE

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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

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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

submitted an interim report before the report was originally due.

Enacted Law Summary

Resolve 2013, chapter 83 amends Resolve 2013, chapter 12 to extend the date for the Family Law Advisory Commission to issue its final report on the Uniform Parentage Act to December 15, 2014. Chapter 83 applies retroactively to December 1, 2013.

**LD 1738 Resolve, Concerning Maine's Involuntary Treatment and Involuntary Commitment Processes RESOLVE 106
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY	OTP-AM	H-764

This bill amends the laws governing involuntary hospitalization and involuntary treatment in hospital emergency departments and psychiatric hospitals and judicial process for involuntary commitment and treatment.

Committee Amendment "A" (H-764)

This amendment replaces the bill with a resolve which responds to the offer of the Chief Justice of the Supreme Judicial Court to convene a working group to review involuntary commitment and involuntary treatment processes, including holding and commitment periods, involuntary treatment during those periods, the lack of medical professionals for evaluations and any other ways to improve involuntary commitment and involuntary treatment processes. The Chief Justice or the Chief Justice's designee may invite representatives from interested parties to participate.

Enacted Law Summary

Resolve 2013, chapter 106 responds to the offer of the Chief Justice of the Supreme Judicial Court to convene a working group to review involuntary commitment and involuntary treatment processes, including holding and commitment periods, involuntary treatment during those periods, the lack of medical professionals for evaluations and any other ways to improve involuntary commitment and involuntary treatment processes. The Chief Justice or the Chief Justice's designee may invite representatives from interested parties to participate. The working group is required to submit its report by December 15, 2014 to the joint standing committee of the Legislature having jurisdiction over judiciary matters and the committee may report out legislation to the First Regular Session of the 127th Legislature.

Resolve 2013, chapter 106 was finally passed as an emergency measure effective April 15, 2014.

LD 1741 Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Work on Maine's Probate Code and the Uniform Probate Code RESOLVE 82

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

This bill was acted upon without reference to committee.

This resolve extends the date for the Probate and Trust Law Advisory Commission to issue its final report on its work on the Uniform Probate Code to December 15, 2014. Resolve 2013, chapter 5 established the commission's duty to conduct a review and set a reporting date of December 1, 2013.

Joint Standing Committee on Judiciary

Enacted Law Summary

Resolve 2013, chapter 82 amends Resolve 2013, chapter 5 to extend the date for the Probate and Trust Law Advisory Commission to issue its final report on its work on the Uniform Probate Code to December 15, 2014. Chapter 82 applies retroactively to December 1, 2013.

LD 1742 Resolve, Extending the Date by Which the Probate and Trust Law Advisory Commission Must Report on Its Review of the Issue of Inheritance of Digital Assets RESOLVE 81

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill is reported out by the Joint Standing Committee on Judiciary pursuant to Resolve 2013, Chapter 27, Section 2.

This bill extends the date for the Probate and Trust Law Advisory Commission to issue its final report on the inheritance of digital assets to December 15, 2014. Resolve 2013, chapter 27 established the commission's duty to conduct a review and set a reporting date of December 1, 2013.

Enacted Law Summary

Resolve 2013, chapter 81 amends Resolve 2013, chapter 27 to extend the date for the Probate and Trust Law Advisory Commission to issue its final report on the inheritance of digital assets to December 15, 2014. Chapter 81 applies retroactively to December 1, 2013.

LD 1778 An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment PUBLIC 510 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER JOHNSON C	OTP-AM	H-709

This bill changes the description of commercial fishing boats exempt from attachment under the civil judgment and bankruptcy laws from those not exceeding five tons burden to those not exceeding 45 feet in length.

Committee Amendment "A" (H-709)

This amendment changes the maximum length of a fishing boat subject to the exemption to 46 feet.

Enacted Law Summary

Public Law 2013, chapter 510 changes the description of commercial fishing boats exempt from attachment under the civil judgment and bankruptcy laws from those not exceeding five tons burden to those not exceeding 46 feet in length.

Public Law 2013, chapter 510 was enacted as an emergency measure effective April 2, 2014.