

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> 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 127<sup>th</sup> 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 1322    An Act To Implement the Recommendations of the Probate and Trust Law Advisory Commission Concerning the Probate Code**

**CARRIED OVER**

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of the Probate and Trust Law Advisory Commission concerning the Probate Code pursuant to Resolve 2013, chapter 5 and chapter 82.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1330    An Act To Enhance Efficiency in the Collection of Child Support Obligations**

**PUBLIC 186**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON BRAKEY	OTP-AM	H-361

This bill amends laws concerning the collection of child support obligations. It removes from the duration of an order to seek work the provision "or until the obligor finds work." It changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment from three years to the first six months of the child's life. It allows, when appropriate, an adjustment of child support obligations for a child in the party's household other than the child for whom a support order is being sought, even if that adjustment results in a reduction of a previously established award. It repeals the automatic suspension of the child support obligation of assisted obligors, and it corrects an inconsistency in amounts withheld from an obligor's withholding from \$2 per week to \$2 per pay period.

**Committee Amendment "A" (H-361)**

This amendment changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment for the purposes of the laws governing the collection of child support obligations from three years to the first 24 months of the child's life.

This amendment also removes the requirement that the Department of Health and Human Services include blank forms for modification along with the notice that the child support obligation is suspended while the obligor is receiving public assistance. These forms are available online, and upon request, and are used by very few recipients of the notice. Elimination of this requirement will save close to \$3,000 per year in printing and mailing costs to the department.

**Enacted Law Summary**

Public Law 2015, chapter 186 amends laws concerning the collection of child support obligations as follows.

1. It removes from the duration of an order to seek work the provision "or until the obligor finds work."
2. It changes the time frame in which a primary care provider of a child is deemed to be unavailable for employment from three years to the first 24 months of the child's life.
3. It allows, when appropriate, an adjustment of child support obligations for a child in the party's household other

**Joint Standing Committee on Judiciary**

than the child for whom a support order is being sought, even if that adjustment results in a reduction of a previously established award.

4. It corrects an inconsistency in amounts withheld from an obligor's withholding from \$2 per week to \$2 per pay period.

5. It removes the requirement that the Department of Health and Human Services include blank forms for modification along with the notice that the child support obligation is suspended while the obligor is receiving public assistance.

**LD 1338 An Act Regarding Legal Representation in Certain Eviction Actions**

**PUBLIC 195**

Sponsor(s)  
FREDETTE

Committee Report  
OTP

Amendments Adopted

Current law provides that a person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney may appear in court for that company in an action for forcible entry and detainer. The bill limits the application of this provision of law to an individual. The bill also allows an individual who is not an attorney and who is a member of a limited liability company that is owned by an individual and that individual's issue to appear in court for that company in an action for forcible entry and detainer. The bill also strikes the statutory sunset of the provision.

**Enacted Law Summary**

Public Law 2015, chapter 195 eliminates the repeal of the current law that allows a person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney to appear in court for that company in an action for forcible entry and detainer. It also allows an individual who is not an attorney and who is a member of a limited liability company that is owned by an individual and that individual's issue to appear in court for that company in an action for forcible entry and detainer.

**LD 1340 An Act To Enact the Preservation of Religious Freedom Act**

**Leave to Withdraw Pursuant to Joint Rule**

Sponsor(s)  
BURNS  
CRAFTS

Committee Report

Amendments Adopted

This bill enacts the Preservation of Religious Freedom Act. It codifies legislative findings that summarize the enshrinement of the right to the free exercise of religion in the United States Constitution and the Constitution of Maine and case law of the Maine Supreme Judicial Court and the United States Supreme Court interpreting the fundamental and unalienable right to the free exercise of religion, as well as the extent to which a legislative body can legislate in this area.

The Preservation of Religious Freedom Act has as its purpose the restoration of the compelling interest test as set forth in *Wisconsin v. Yoder*, 406 U.S. 205 (1972), and *Sherbert v. Verner*, 374 U.S. 398 (1963). The Act guarantees the application of the compelling interest test in all cases in which the government substantially burdens the exercise of religion and provides a claim or defense to a person whose exercise of religion is burdened by the