

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

127TH 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 127th 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.

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 127th 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

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