

# MAINE STATE LEGISLATURE

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



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2017

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



## 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 128<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.

*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 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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*

This bill provides for a 20% upward adjustment in the salary schedules of judicial marshals and judicial sergeants in the judicial branch beginning with the pay period commencing closest to July 1, 2017. See Public Law 2017, chapter 284, Part TTTTTT.

**LD 903      An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H WOODSOME D	ONTP OTP	

This bill addresses the application of foreign law in this State with the goal of protecting American citizens' constitutional rights when foreign laws and foreign legal doctrines are applied in judicial and administrative tribunals. The bill provides that:

1. A court or administrative ruling violates the public policy of this State and is void and unenforceable if it is based in whole or in part on a foreign law, legal code or legal system that would not grant the same liberties, rights and privileges as are granted under the United States Constitution and the Constitution of Maine;
2. A contract's choice of law provision that chooses such a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine;
3. A contract's choice of personal jurisdiction provision that provides jurisdiction over the parties that applies a foreign law, legal code or legal system to govern aspects of the contract is void and unenforceable if the foreign law, legal code or legal system does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine; and
4. The court must deny a claim of forum non conveniens or related claim if granting the claim would subject the nonclaimant to a foreign forum that applies a foreign law, legal code or legal system that does not protect the same liberties, rights and privileges as are protected under the United States Constitution and the Constitution of Maine.

The bill provides that these provisions do not apply to a corporation, partnership, limited liability company, business association or legal entity that contracts to subject itself to a foreign law, legal code or legal system in a jurisdiction other than this State or the United States and do not limit the free exercise of religion or require or authorize a court to adjudicate issues within a religious organization that would violate the First Amendment's establishment clause.

The bill also provides that these provisions may not be interpreted to conflict with any relevant treaty or international agreement.

**LD 916      An Act To Modify the Term and Withholding Limitations for Spousal Support**

**ONTP**

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

This bill amends the laws governing spousal support in divorce actions by:

***Joint Standing Committee on Judiciary***

1. Repealing the provision authorizing courts to award general spousal support and limiting the possible term of all spousal support orders to four years;
2. Unless agreed to by the parties, limiting the amount of support a court may order to no more than 30% of the obligor's income;
3. Limiting the amount of a withholding order to no more than 30% of a obligor's income and, if the award is based upon an agreement of the parties, no more than 35% for amounts owed that are in arrearage; and
4. Requiring the parties annually to submit financial affidavits to the court.

**LD 921      An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement      Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DANA M MAKER J	OTP-AM	H-513

This bill removes the time and acreage limits for placing land in trust status for the Passamaquoddy Tribe and the Penobscot Nation under the Maine Indian Claims Settlement.

**Committee Amendment "A" (H-513)**

The bill repeals both acreage limits and time limits applicable to the acquisition and certification of trust lands under the Act to Implement the Maine Indian Claims Settlement for the Passamaquoddy Tribe and the Penobscot Nation. This amendment extends all time limits for both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust lands to January 31, 2025. This amendment retains the acreage limits.

The effective date and certification provisions of the bill are retained. Because this bill amends the Act to Implement the Maine Indian Claims Settlement, this bill does not take effect unless the Joint Tribal Council of the Passamaquoddy Tribe and the Tribal Chief and Council of the Penobscot Nation agree to these changes and certify their agreement to the Secretary of State within 60 days of the adjournment of the First Regular Session of the 128th Legislature.

**LD 934      An Act To Establish an Expedited Temporary Guardianship Process      CARRIED OVER**

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

This bill amends the Probate Code to add an expedited process for the court to appoint a temporary guardian for a minor.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.