

STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

May 2008

MEMBERS:

SEN. BARRY J. HOBBS, CHAIR
SEN. JOHN M. NUTTING
SEN. DAVID R. HASTINGS III

REP. DEBORAH L. SIMPSON, CHAIR
REP. JANET T. MILLS
REP. MARK E. BRYANT
REP. MICHAEL EDWARD DUNN
REP. ALAN M. CASAVANT
REP. CYNTHIA A. DILL
REP. ROBERT A. BERUBE
REP. JOAN M. NASS
REP. LAWRENCE E. JACOBSEN
REP. BONNIE S. GOULD
REP. DONNA M. LORING

STAFF:

MARGARET J. REINSCH, SENIOR ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670

Joint Standing Committee on Judiciary

LD 1 An Act To Increase Reimbursement for Jury Duty

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM	S-401

LD 1 raises the mileage paid a juror from 15 cents per mile to 36 cents per mile and raises the compensation from \$10 a day to \$50 for each day of required attendance at sessions of court.

Committee Amendment "A" (S-401)

This amendment changes the proposed increase in mileage and daily compensation for jurors to result in a doubling of what is currently paid. This amendment requires mileage to be paid at the rate of 30¢ per mile and the daily compensation to be paid at the rate of \$20 per day. This amendment also adds an appropriations and allocations section.

This amendment was not adopted.

LD 367 An Act To Protect Emergency Room Personnel from Civil Liability

ONTP

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

LD 367 protects from legal liability in a civil action an emergency room health care practitioner who examines a patient requesting a prescription for a scheduled drug and denies the prescription for the scheduled drug to the patient.

LD 461 An Act To Implement the Recommendations of the Human Trafficking Task Force

PUBLIC 684

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-686 S-690 ROTUNDO

LD 461 contains the recommendations of the Human Trafficking Task Force pursuant to Resolve 2005, chapter 200. The bill proposes to:

1. Enact a law criminalizing involuntary servitude and human trafficking, making them Class B offenses, with enhancement to Class A in certain circumstances, and specifying certain defenses that do not apply to involuntary servitude or human trafficking offenses;
2. Authorize the court to order forfeiture of assets acquired as a result of human trafficking;
3. Give the human trafficking victim rights, restitution and the right to collect damages and compensation through criminal restitution law and the Victims Compensation Fund and require rulemaking by the Department of Labor for the purposes of victim restitution;

Joint Standing Committee on Judiciary

4. Prohibit travel agencies operating within the State from advertising or arranging for travel for commercial sexual purposes;
5. Require commercial international matchmaking organizations operating within the State to inform recruits and clients of the right to information on the other person's criminal, marital, protection from abuse, harassment and other official records;
6. Direct the Attorney General to convene a broad working group to address human trafficking issues. The working group would report to the Legislature by January 15, 2008; and
7. Provide an effective date of January 1, 2008 except that the provisions enacting the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-488)

This amendment replaces the bill. Like the bill, it is based on the work of the Human Trafficking Task Force and establishes the crimes of causing involuntary servitude, human trafficking and aggravated human trafficking. It also provides that certain circumstances cannot be used as defenses to prosecutions. This amendment creates a new chapter that provides for civil remedies for human trafficking. This amendment provides for the civil forfeiture of property used in involuntary servitude and human trafficking offenses. Like the bill, this amendment gives the human trafficking victim the right to collect damages and compensation through criminal restitution law and the Victims' Compensation Fund. It requires rulemaking by the Department of Labor for the purposes of victim restitution.

This amendment directs the Attorney General to convene a broad working group to address human trafficking issues. Monitoring international matchmaking organizations is added to the list of tasks, as is whether a special statute of limitations tolling provision is appropriate because of victims' cultural and linguistic isolation. The working group will report to the Legislature by January 15, 2009.

This amendment provides an effective date of January 1, 2008, except that the provisions establishing the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the First Regular Session of the 123rd Legislature.

This amendment was not adopted, but was incorporated into Committee Amendment "B."

Committee Amendment "B" (H-686)

This amendment replaces the bill. Like the bill, it is based on the work of the Human Trafficking Task Force and establishes the crimes of causing involuntary servitude, human trafficking and aggravated human trafficking. It also provides that certain circumstances cannot be used as defenses to prosecutions.

This amendment creates a new chapter that provides for civil remedies for human trafficking. It allows a trafficked person to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those remedies and any other appropriate relief. A prevailing plaintiff is entitled to attorney's fees and costs. The statute of limitations for bringing the action is 10 years from the trafficking act, although the time limitation does not run while the trafficked person is under the age of 18, mentally ill, imprisoned, outside the United States or otherwise incapacitated or incompetent when the cause of action accrues. This is similar to the tolling statute of the Maine Revised Statutes, Title 14, section 853. The amendment also provides that the defendant cannot assert the defense of expiration of the statute of limitations if the running of the time is due to conduct by the defendant's inducing the plaintiff to delay the filing of the action or preventing the plaintiff from filing the action, or

Joint Standing Committee on Judiciary

because of threats made by the defendant.

This amendment provides for the civil forfeiture of property used in involuntary servitude and human trafficking offenses. It also corrects a formatting error in the current law.

Like the bill, this amendment gives the human trafficking victim the right to collect damages and compensation through criminal restitution law and the Victims' Compensation Fund. It requires rulemaking by the Department of Labor for the purposes of victim restitution.

This amendment directs the Attorney General to convene a broad working group to address human trafficking issues. Monitoring international matchmaking organizations is added to the list of tasks, as is whether a special statute of limitations tolling provision is appropriate because of victims' cultural and linguistic isolation. The working group will report to the Legislature by January 15, 2010.

This amendment provides an effective date of January 1, 2009, except that the provisions establishing the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment of the Second Regular Session of the 123rd Legislature.

Senate Amendment "A" (S-690)

This amendment amends Committee Amendment "B." It strikes and replaces Part A of Committee Amendment "B". The amendment removes the crimes of causing involuntary servitude, human trafficking and aggravated human trafficking. "Human trafficking offense" is defined to mean kidnapping or criminal restraint as defined in the Maine Revised Statutes, Title 17-A, section 301 or 302 when the crime involves restraining a person by destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or using any scheme, plan or pattern intended to cause that person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint. The amendment adds elements of the definition of "human trafficking" to the definition of "restrain."

This amendment also adds a new part that requires the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, after consultation with the joint standing committees of the Legislature having jurisdiction over judiciary matters and appropriations and financial affairs, to submit legislation to the First Regular Session of the 124th Legislature establishing the Criminal Code Revision Commission for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. A comprehensive revision of the Maine Criminal Code has not occurred since 1976.

Enacted Law Summary

Public Law 2007, chapter 684 defines "human trafficking offense" to mean kidnapping or criminal restraint as defined in the Maine Revised Statutes, Title 17-A, section 301 or 302 when the crime involves restraining a person by destroying, concealing, removing, confiscating or possessing any actual or purported passport or other immigration document or other actual or purported government identification document of the other person or using any scheme, plan or pattern intended to cause that person to believe that if the person does not perform certain labor or services, including prostitution, that the person or another person will suffer serious harm or restraint. Chapter 684 also creates a new chapter that provides for civil remedies for human trafficking. It allows a trafficked person to bring a civil action for actual damages, compensatory damages, punitive damages, injunctive relief, any combination of those remedies and any other appropriate relief. A prevailing plaintiff is entitled to attorney's fees and costs. The statute of limitations for bringing the action is 10 years from the trafficking act, although the time limitation does not run while the trafficked person is under the age of 18, mentally ill, imprisoned, outside the United States or otherwise incapacitated or incompetent when the cause of action accrues. Chapter 684 also provides for the civil forfeiture of property used in human trafficking offenses. A human trafficking victim is given the right to collect

Joint Standing Committee on Judiciary

damages and compensation through criminal restitution law and the Victims' Compensation Fund. It requires rulemaking by the Department of Labor for the purposes of victim restitution.

Chapter 684 directs the Attorney General to convene a broad working group to address human trafficking issues. Monitoring international matchmaking organizations is added to the list of tasks, as is whether a special statute of limitations tolling provision is appropriate because of victims' cultural and linguistic isolation. The working group will report to the Legislature by January 15, 2010.

Chapter 684 is effective January 1, 2009, except that the provisions establishing the Attorney General's working group on human trafficking and the definition of "work loss" and rulemaking in the Department of Labor regarding work loss take effect 90 days after adjournment.

Chapter 684 requires the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters, after consultation with the joint standing committees of the Legislature having jurisdiction over judiciary matters and appropriations and financial affairs, to submit legislation to the First Regular Session of the 124th Legislature establishing the Criminal Code Revision Commission for the purpose of reviewing, revising, unifying, recodifying and consolidating Maine's criminal laws, including, but not limited to, the Maine Criminal Code. A comprehensive revision of the Maine Criminal Code has not occurred since 1976.

LD 469 An Act To Disseminate "Lessons Learned" from Medical Injury Claims

ONTP

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

LD 469 requires the Board of Licensure in Medicine each year to analyze and create a report of all claims of medical injury filed in the State in the preceding year to determine cause and to suggest possible means of prevention of reoccurrence. The report will not include names of any of the parties in any claim and must be sent out to all surgeons and physicians practicing medicine in Maine and to the Legislature by March 1st of each year.

LD 507 An Act To Require the Accommodation of Religious Practices in Correctional Facilities

PUBLIC 546

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-784

LD 507 provides Native Americans incarcerated in a state prison or county jail a right to a reasonable opportunity to conduct or take part in Native American religious practices and ceremonies. LD 507 provides that failure of the facility to provide reasonable accommodation for Native American religious practices and ceremonies is unlawful discrimination pursuant to the Maine Human Rights Act; remedies for such failure are provided under that Act. The bill directs the Commissioner of Corrections to seek to develop, in consultation with an advisory group of Native Americans, guidance policies to assist correctional and detention facilities and county jails in providing reasonable accommodations for Native American religious practices and ceremonies.

Committee Amendment "A" (H-784)

This amendment replaces the bill. It requires the Commissioner of Corrections to adopt rules, consistent with all federal requirements, including the Religious Land Use and Institutionalized Persons Act of 2000, 42 United States Code, Chapter 21C, to provide for the accommodation of prisoners' religious practices. The rules may limit or prohibit practices that present a threat to the safety, security or orderly management of the facility. The Department of Corrections' religious services draft policy, dated February 28, 2008, must serve as the basis of the rules. The

Joint Standing Committee on Judiciary

rules are routine technical.

Enacted Law Summary

Public Law 2007, chapter 546 requires the Commissioner of Corrections to adopt rules, consistent with all federal requirements, including the Religious Land Use and Institutionalized Persons Act of 2000, 42 United States Code, Chapter 21C, to provide for the accommodation of prisoners' religious practices. The rules may limit or prohibit practices that present a threat to the safety, security or orderly management of the facility. The Department of Corrections' religious services draft policy, dated February 28, 2008, must serve as the basis of the rules. The rules are routine technical.

LD 608 An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases ONTP

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

LD 608 changes the statute of limitations for medical malpractice from beginning when the act or omission happens to beginning when the harm is discovered by the plaintiff.

LD 684 An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error ONTP

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

LD 684 makes a one-time General Fund appropriation of \$75,000 in fiscal year 2007-08 for the Commissioner of Health and Human Services to issue grants to develop communication programs and procure information technology products to assist health care providers in disclosing medical errors and to improve patient safety. LD 684 also makes privileged and immune from discovery an expression of regret or apology or an explanation of how a medical error occurred made by a health care provider if it is provided within 14 days of when the provider knew or should have known of the consequences of the error. LD 684 bill further establishes the Medical Error Disclosure and Compensation Program, which creates a system that allows health care providers, facilities and medical malpractice insurers to disclose medical errors and negotiate compensation with the subject patient without the threat of litigation, and directs the Commissioner of Health and Human Services to create a patient safety database.

LD 857 Resolve, To Create A Medical Malpractice Study Group ONTP

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

LD 857 is a concept draft pursuant to Joint Rule 208. It proposes to form a medical malpractice study group to determine ways to limit liability for physicians.

Joint Standing Committee on Judiciary

LD 1271 An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties **ONTP**

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

LD 1271 provides limited immunity protection to a specialty or subspecialty consulting physician who provides volunteer, unpaid consultation services to a treating physician in the physician's area of expertise.

LD 1348 An Act To Amend the Maine Tort Claims Act **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	JT. RULE 309	

LD 1348 raises the limitation on damages under the Maine Tort Claims Act from \$400,000 to \$1,000,000. See also LD 1349.

LD 1349 Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	JT RULE 309	

LD 1349 authorizes Lucas Tolliver to recover up to \$1,000,000 of the damage award amount allocated to the State by an October 10, 2006 Cumberland County Superior Court jury verdict in his favor. See also LD 1348.

LD 1505 An Act To Adopt the Revised Uniform Anatomical Gift Act **PUBLIC 601**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-527

LD 1505 enacts the Revised Uniform Anatomical Gift Act, adopted by the National Conference of Commissioners on Uniform State Laws in 2006. Uniform Comments are included.

Committee Amendment "A" (S-527)

This amendment makes several revisions to the bill to be consistent with other Maine laws and practices, including the Maine Organ Donor Registry currently maintained by the Secretary of State, which is based on information collected through the issuance of driver's licenses. Maine Comments are inserted where appropriate.

Enacted Law Summary

Public Law 2007, chapter 601 enacts the Revised Uniform Anatomical Gift Act. It includes revisions to be consistent with other Maine laws and practices, including the Maine Organ Donor Registry currently maintained by the Secretary of State. Maine Comments are inserted where appropriate. Chapter 601 provides that the Revised

Joint Standing Committee on Judiciary

Uniform Anatomical Gift Act and the other portions of the bill take effect January 1, 2009.

LD 1524 An Act To Increase Judicial Salaries

ONTP

Sponsor(s)

Committee Report

Amendments Adopted

ONTP

LD 1524, submitted by the Judicial Compensation Commission as part of its 2007 report to the Legislature, increases judicial salaries to levels that would have been achieved if the recommendations made in the commission's 1996 report had been fully implemented.

LD 1540 An Act To Guarantee Free Speech in Privately Owned Public Gathering Places

ACCEPTED ONTP
REPORT

Sponsor(s)

Committee Report

Amendments Adopted

HINCK

ONTP A
OTP-AM B
OTP-AM C

LD 1540 amends the Maine Civil Rights Act to address the right of free of speech and the right to petition at shopping centers that are privately owned. LD 1540 guarantees the right of free speech, including expressive activities, and the right to petition in the common area of a shopping center, as long as such expressive activities do not interfere with commerce and the free flow of pedestrian traffic. The management of a shopping mall may adopt reasonable time, place and manner regulations. LD 1540 prohibits shopping centers, if they provide space for the posting of announcements, public service messages, proclamations, pamphlets and other such material, from prohibiting posting based on the content except where the prohibition is otherwise consistent with constitutional principles relating to free speech.

Committee Amendment "B" (H-877)

This amendment is a minority report of the Joint Standing Committee on Judiciary. This amendment narrows the bill to address the right to collect petition signatures in support of candidates and state and local initiatives and referenda at shopping malls. A shopping mall is defined as a privately owned enclosed complex that consists of at least 5 retail establishments, grants access to the general public and has at least 200,000 square feet of gross leasable area. This amendment requires that the shopping malls allow such solicitation, subject to reasonable time, place and manner restrictions.

This amendment was not adopted.

Committee Amendment "A" (H-876)

This amendment is a minority report of the Judiciary Committee. This amendment narrows the bill to address the right to collect petition signatures in connection with access to the ballot for a candidate, initiative or referendum at shopping centers that are privately owned. A shopping center is defined as a privately owned complex, enclosed or otherwise, that consists of at least 5 establishments in which merchandise is sold at retail, grants access to the general public and has at least 75,000 square feet of gross leasable area. This amendment requires shopping centers to permit the solicitation of petition signatures and to allow the posting of informational material regarding the petition subject to reasonable time, place and manner restrictions.

This amendment was not adopted.

Joint Standing Committee on Judiciary

LD 1747 An Act To Enact the Uniform Power of Attorney Act

ONTP

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

The Uniform Power of Attorney Act, "UPAA," replaces and expands the provisions relating to powers of attorney in Maine's Probate Code, currently in the Maine Revised Statutes, Title 18-A, article 5, Part 5. The UPAA does not contain provisions related to so-called durable health care powers of attorney as currently provided in Article 5, Part 5 of Maine's Probate Code; however, UPAA does not affect Maine's Uniform Health-Care Decisions Act in Article 5, Part 8 of Maine's Probate Code, which already, and concurrently, allows for the creation of so-called durable health care powers of attorney.

LD 1792 An Act To Require Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations

PUBLIC 624

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ OTP-AM MIN	S-532

LD 1792 seeks to ensure that the nonprofit corporate mission of a nonprofit corporation is not overshadowed by excessive compensation to directors and officers. It applies to nonprofit corporations that receive at least 25% of their total funding from one or more municipal, county, state or federal sources. LD 1792 prohibits nonprofit corporations from compensating an officer or director in excess of \$250,000 per year. Excessive compensation of a director or officer is added as a ground to dissolution of the nonprofit corporation pursuant to court order.

Committee Amendment "A" (S-532)

This amendment is the majority report of the Joint Standing Committee on Judiciary, and it replaces the bill. It requires every public benefit nonprofit corporation organized in this State to publicly disclose the compensation of directors and officers that receive compensation of at least \$250,000 in any 12-month period if the corporation receives at least 25% of its funding from public sources. "Compensation" is defined to include all remuneration and benefits. The Secretary of State shall include a statement of this requirement relating to public benefit nonprofit corporations on its website and in any written communication with public benefit nonprofit corporations organized in this State.

Committee Amendment "B" (S-533)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment increases the maximum salary compensation that may be paid the directors and officers of nonprofit corporations from \$250,000 as proposed in the bill to \$300,000.

This amendment was not adopted.

Enacted Law Summary

Public Law 2007, chapter 624 requires every public benefit nonprofit corporation organized in this State to publicly disclose the compensation of directors and officers that receive compensation of at least \$250,000 in any 12-month period if the corporation receives at least 25% of its funding from public sources. "Compensation" is defined to include all remuneration and benefits. The Secretary of State shall include a statement of this requirement relating to public benefit nonprofit corporations on its website and in any written communication with public benefit nonprofit corporations organized in this State.

Joint Standing Committee on Judiciary

LD 1881 An Act To Improve Transparency and Accountability in Government

PUBLIC 501

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-439

LD 1881 amends the freedom of access laws in the following ways.

1. It creates a timeline that must be followed to comply with requests for public records.
2. It permits a person to request by telephone that a copy of a public record be mailed to that person.
3. It allows a copy of a requested public record to be mailed if the requester pays for the mailing service.
4. It establishes procedures for requests for inspection or copies of public records.

Committee Amendment "A" (S-439)

This amendment replaces the bill. Currently a person may make a Freedom of Access request of such breadth that, as a practical and legal matter, an agency's duty to respond to the request is made difficult. This amendment permits an agency or official to request clarification concerning which public record or public records are being requested. The amendment also requires an agency or official to acknowledge receipt of the request within a reasonable period of time.

Enacted Law Summary

Public Law 2007, chapter 501 permits an agency or official to request clarification from a person requesting a public record concerning which public record or public records are being sought. It also requires an agency or official to acknowledge receipt of the request within a reasonable period of time.

LD 1923 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Creating the Public Access Ombudsman

PUBLIC 603

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-904

LD 1923 is based on the Right To Know Advisory Committee's recommendation to establish a Public Access Ombudsman. The Judiciary Committee may report out legislation based on the Advisory Committee's recommendations pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G. LD 1923 establishes the Public Access Ombudsman within the Department of the Attorney General.

House Amendment "A" (H-607)

This amendment clarifies that the Public Access Ombudsman makes nonbinding recommendations concerning the release of records to the public and clarifies the manner in which those records must be handled.

This amendment was not adopted, but was incorporated into Committee Amendment "B".

Committee Amendment "A" (H-904)

This amendment:

Joint Standing Committee on Judiciary

1. Revises the establishment of the Public Access Division within the Department of the Attorney General and the appointment of the Public Access Ombudsman. It authorizes the Attorney General to establish the Public Access Division and appoint the Public Access Ombudsman as a pilot project if funding is available;
2. Clarifies that the Public Access Ombudsman makes nonbinding recommendations concerning the release of records to the public and clarifies the manner in which those records must be handled;
3. Deletes the requirement that the Public Access Ombudsman make an annual report in 2008; and
4. Repeals the provisions establishing the Public Access Division and the Public Access Ombudsman June 30, 2009.

Enacted Law Summary

Public Law 2007, chapter 607 authorizes the Attorney General to establish the Public Access Division and appoint the Public Access Ombudsman as a pilot project if funding is available. It clarifies that the Public Access Ombudsman makes nonbinding recommendations concerning the release of records to the public and clarifies the manner in which those records must be handled. It provides for a sunset of the provisions establishing the Public Access Division and the Public Access Ombudsman on June 30, 2009.

LD 1940 An Act To Assist Distressed Businesses Organized as Limited Liability Companies

**PUBLIC 496
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-685

This bill allows a foreign limited liability company or a domestic limited liability company, upon filing with the Secretary of State, to be excused from further filings with the Secretary of State as long as the company does not transact any business.

Committee Amendment "A" (H-685)

This amendment limits the ability of limited liability companies to temporarily withdraw from transacting business and avoid filing with the State during the dormant period to those limited liability companies organized in Maine; the benefit is not available to foreign limited liability companies. This amendment requires a domestic limited liability company to go through appropriate procedures and file a certificate of resumption with the Secretary of State before it may resume business activities. This amendment requires a domestic limited liability company to pay the same fees for filing certificates of excuse and resumption of business certificates as are imposed on business corporations.

Enacted Law Summary

Public Law 2007, chapter 496 limits the ability of limited liability companies to temporarily withdraw from transacting business and avoid filing with the State during the dormant period to those limited liability companies organized in Maine; the benefit is not available to foreign limited liability companies. Chapter 496 requires a domestic limited liability company to go through appropriate procedures and file a certificate of resumption with the Secretary of State before it may resume business activities. Chapter 496 requires a domestic limited liability company to pay the same fees for filing certificates of excuse and resumption of business certificates as are imposed on business corporations.

Public Law 2007, chapter 496 was enacted as an emergency measure effective March 14, 2008.

Joint Standing Committee on Judiciary

LD 1970 Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group

**RESOLVE 145
EMERGENCY**

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

This resolve extends the reporting deadline from December 5, 2007 to January 20, 2008 for the Tribal-State Work Group that was established in Resolve 2007, chapter 142.

Enacted Law Summary

Resolve 2007, chapter 145 extends the reporting deadline from December 5, 2007 to January 20, 2008 for the Tribal-State Work Group that was established in Resolve 2007, chapter 142.

Resolve 2007, chapter 145 was enacted as an emergency measure effective January 24, 2008.

LD 1988 An Act To Protect Persons Responding to an Emergency Situation Involving a Water Utility

ONTP

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

This bill limits the liability of a water utility or private company and employees and staff who perform water utility work and service for another water utility during a declared emergency.

LD 1994 An Act To Amend the Laws Relating to Marks, Corporations, Limited Partnerships, Limited Liability Companies and Registered Agents

**PUBLIC 535
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-457

This bill makes the several changes and clarifications to the laws relating to marks, corporations, limited partnerships and limited liability companies.

Committee Amendment "A" (S-457)

This amendment deletes the section of the bill concerning judicial dissolution of public corporations. It adds a Part B to add specific language in the different laws governing entities to conform to the new registered agents law. The new language directs filers to the law governing clerks and registered agents. It adds an emergency preamble and an emergency clause to make Part B, which addresses the conformity with the registered agents law, take effect July 1, 2008, which is the effective date of the registered agents law enacted by Public Law 2007, chapter 323.

Enacted Law Summary

Public Law 2007, chapter 535 makes the following changes and clarifications to the laws relating to marks, corporations, limited partnerships and limited liability companies.

1. It specifies the procedure for a registrant of a mark to follow in order to cancel the registration of that mark.
2. It provides that the name of a corporation that is excused from filing annual reports with the Secretary of State

Joint Standing Committee on Judiciary

because it has ceased to carry on activities remains in the Secretary of State's record of corporate names and is protected for 5 years.

3. It specifies the provisions of law for a limited partnership or a limited liability company to follow in order to do business under an assumed name.
4. It amends the laws governing the fee charged in connection with the delivery to the Secretary of State of a certificate of merger or consolidation by a limited liability company.
5. It amends the laws governing fees charged in connection with foreign limited partnerships.
6. It adds specific language in the different laws governing entities to conform to the new registered agents law. The new language directs filers to the law governing clerks and registered agents.

Public Law 2007, chapter 535 was enacted as an emergency measure; Part B, which addresses the conformity with the registered agents law, takes effect July 1, 2008.

**LD 2013 An Act To Extend the Application of Certain Rebuttable Presumptions in
the Child Protection Laws**

PUBLIC 513

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-720

This bill allows the use of a rebuttable presumption that jeopardy exists when a child has contact with a person who was convicted of the criminal offense of sexual abuse of a child whether the person was convicted in Maine or in another state or federal court.

Committee Amendment "A" (H-720)

This amendment replaces the bill but carries out the original intent to allow criminal convictions from other jurisdictions to be used as the basis of a rebuttable presumption in various court situations involving contact with children.

Enacted Law Summary

Public Law 2007, chapter 513 allows criminal convictions from other jurisdictions to be used as the basis of a rebuttable presumption in various court situations involving contact with children. Chapter 513 allows the use of a rebuttable presumption that jeopardy exists when a child has contact with a person who was convicted of an offense that includes engaging in substantially similar conduct as gross sexual assault regardless of the ages of the person and the victim, if the minor victim submitted to the sexual act as a result of compulsion. Chapter 513 amends Title 19-A, section 1653 to use language consistent with Maine Criminal Code terminology when referring to offenses in other jurisdictions, including a definition of "another jurisdiction."

**LD 2036 An Act To Clarify Governmental Liability with Respect to Transfer
Stations**

ONTP

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

This bill addresses an inconsistency in the Maine Tort Claims Act as applied in recent Law Court decisions. This bill makes clear that a governmental entity is liable for its negligent acts and omissions in the construction, operation or maintenance of any transfer station. A definition of "transfer station" that tracks the Department of Environmental

Joint Standing Committee on Judiciary

Protection's rules is added.

LD 2037 An Act To Provide Support for At-risk Youth

ONTP

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

This bill creates a program within the Juvenile Court to address punishment and proactive treatment of at-risk youth. Petitions for the program may be filed by a parent, a school official, the Department of Health and Human Services, a guardian ad litem or other legal advocate when a juvenile regularly runs away from home, exhibits extremely disruptive behavior or is habitually truant.

LD 2047 An Act To Shield Journalists' Confidential Sources

PUBLIC 654

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HINCK	OTP-AM	H-1010

This bill provides protection against compelled disclosure of confidential sources of information, information that identifies confidential sources, confidential information and certain data collected by journalists. The bill provides exceptions for a court to compel disclosure in specific situations. It also provides for a waiver of the protection in specific circumstances. The source of information obtained in violation of this bill is inadmissible in any judicial, legislative, administrative or other proceeding.

Committee Amendment "A" (H-1010)

This amendment revises the bill to delete the protection for nonconfidential information. It clarifies that disclosure of information may be compelled in both civil and criminal cases only when the party seeking the identity of the confidential source or the information establishes certain facts by a preponderance of the evidence. It also clarifies that the journalist waives the protection from compelled disclosure by voluntarily disclosing or consenting to the disclosure of the confidential information about the confidential source. This amendment deletes the provision providing that the source of any information obtained in violation of the new law is inadmissible. The definition of "journalist" is deleted to allow the court to determine on a case-by-case basis whether a person claiming the protection from compelled disclosure is eligible for such protection. This amendment deletes the emergency preamble and emergency clause.

Enacted Law Summary

Public Law 2007, chapter 654 provides protection against compelled disclosure of confidential sources of information, information that identifies confidential sources and confidential information collected by journalists. Disclosure of information may be compelled in both civil and criminal cases only when the party seeking the identity of the confidential source or the information establishes certain facts by a preponderance of the evidence. The journalist waives the protection from compelled disclosure by voluntarily disclosing or consenting to the disclosure of the confidential information about the confidential source.

LD 2093 An Act To Help Prevent Identity Theft

PUBLIC 626

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TARDY	OTP-AM	H-905

Joint Standing Committee on Judiciary

This bill prohibits the preparer of documents from including an individual's personally identifiable information in a document recorded in the registry of deeds. See also LD 2094.

Committee Amendment "A" (H-905)

This amendment replaces the bill. It does not include the prohibition on filing documents that contain an individual's personally identifiable information. This amendment revises the listing of the data elements that are considered "personal information" to be consistent with current state law concerning data breaches. This amendment allows an individual to request that that individual's personal information included in a document recorded with a register of deeds and available on the registry's publicly accessible website be redacted from the record available online. It also includes a mandate preamble.

Enacted Law Summary

Public Law 2007, chapter 626 allows an individual to request that that individual's personal information be redacted from a record available on the registry of deeds' publicly accessible website.

LD 2094 An Act To Protect Personally Identifying Information

ONTP

Sponsor(s)

HAYES

Committee Report

ONTP

Amendments Adopted

This bill prohibits the preparer of documents from including an individual's personally identifiable information in a document recorded in the registry of deeds. See also LD 2093.

LD 2115 An Act To Limit Liability for Businesses and Employees Who Work with Liquefied Petroleum Gas

ONTP

Sponsor(s)

WESTON

Committee Report

ONTP

Amendments Adopted

This bill limits the liability of suppliers, transporters, handlers and sellers of liquefied petroleum gas for actual and punitive damages related to the modification, repair or use of liquefied petroleum gas equipment or appliances by any other person.

LD 2128 An Act To Correct the Uniform Limited Partnership Act of 2007

**PUBLIC 502
EMERGENCY**

Sponsor(s)

HOBBS

Committee Report

OTP-AM

Amendments Adopted

S-440

This bill corrects a gap in the Uniform Limited Partnership Act of 2007 inadvertently created by Public Law 2005, chapter 543. Current law is ambiguous with regard to what law applies to existing limited partnerships that do not elect to be covered by the new law before July 1, 2008.

Committee Amendment "A" (S-440)

The Maine Revised Statutes, Title 31, former chapter 11 contained the limited partnership laws, and it was repealed by Public Law 2005, chapter 543. This amendment corrects the cross-reference to that repealed chapter.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2007, chapter 502 corrects a gap in the Uniform Limited Partnership Act of 2007 inadvertently created by Public Law 2005, chapter 543. Current law is ambiguous with regard to what law applies to existing limited partnerships that do not elect to be covered by the new law before July 1, 2008.

Public Law 2007, chapter 502 was enacted as an emergency measure and applies retroactively to July 1, 2007.

LD 2161 An Act To Clarify Confidentiality in Child Protective Proceedings

**PUBLIC 473
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-406

This bill is submitted by the Judiciary Committee pursuant to Public Law 2007, chapter 335. The bill removes language enacted last session due to take effect February 1, 2008 that may violate federal confidentiality provisions. That language allows a parent or legal guardian to release information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in a child protective action. This bill takes effect February 1, 2008 to match the effective date of Public Law 2007, chapter 335.

Committee Amendment "A" (S-406)

This amendment replaces the bill. It rewrites the emergency preamble and emergency clause to make the amended bill take effect when approved. This amendment delays the effective date of Public Law 2007, chapter 335 from February 1, 2008 to March 1, 2008 to give the federal Department of Health and Human Services sufficient time to review the proposed changes in Maine law and provide a written explanation of whether the proposed changes are in compliance with federal requirements concerning the sharing of confidential information in child protective cases.

Enacted Law Summary

Public Law 2007, chapter 473 delays the effective date of Public Law 2007, chapter 335 from February 1, 2008 to March 1, 2008 to give the federal Department of Health and Human Services sufficient time to review the proposed changes in Maine law and provide a written explanation of whether the proposed changes are in compliance with federal requirements concerning the sharing of confidential information in child protective cases. See also LD 2233.

Public Law 2007, chapter 473 was enacted as an emergency measure effective January 31, 2008.

LD 2181 An Act To Protect Consumers' Gift Card Interests

PUBLIC 696

Sponsor(s)

Committee Report

Amendments Adopted

SIMPSON

OTP-AM MAJ
ONTP MIN

H-940

This bill requires a merchant redeeming a gift obligation or stored-value card to refund a balance on the card of less than \$5 to the consumer as long as the card is redeemed in person by the consumer.

Committee Amendment "A" (H-940)

This amendment exempts from the cash refund requirement prepaid cards for telephone service. Stored-value cards that are not purchased by a consumer but are provided by the merchant as a promotion or as a refund for merchandise returned without a receipt are also not subject to the cash refund requirement. Gift obligations and

Joint Standing Committee on Judiciary

stored-value cards that cannot be reloaded that are initially worth \$5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 696 requires a merchant redeeming a gift obligation or stored-value card to refund a balance on the card of less than \$5 to the consumer at the request of the consumer, as long as the card is redeemed in person by the consumer. Prepaid cards for telephone service are exempted from the cash refund requirement. Stored-value cards that are not purchased by a consumer but are provided by the merchant as a promotion or as a refund for merchandise returned without a receipt are also not subject to the cash refund requirement. Gift obligations and stored-value cards that cannot be reloaded that are initially worth \$5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

LD 2197 An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes

PUBLIC 526

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill addresses grand jury territorial authority.

Enacted Law Summary

Public Law 2007, chapter 526 does the following.

1. It defines grand jury territorial authority expressly, rather than in terms of trial venue for the Superior Court.
2. It identifies the general rule applicable to grand jury jurisdiction. Grand jury territorial authority to indict for crimes coming within the jurisdiction of the Superior Court must be exercised by the grand jury serving the county where the crime was committed.
3. It introduces a new statutory exception relative to grand juries in judicial regions when such regions are created by the Chief Justice of the Supreme Judicial Court for venue purposes, pursuant to Title 4, section 19. Specifically, it provides that each grand jury in a multicounty judicial region may share authority to indict for crimes committed in that judicial region except as limited by rule or administrative order of the Supreme Judicial Court.
4. It expressly recognizes the existence of special laws that constitute exceptions to the general rule. Chapter 526 also amends Title 15, section 1256 to eliminate that portion that currently contains a definition of a grand jury's territorial jurisdiction, since the new section 1255-A comprehensively addresses a grand jury's jurisdiction. The new language is intended to identify the basic duty imposed upon grand juries, which is to present all crimes over which by law they have jurisdiction.

LD 2198 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials

PUBLIC 576
EMERGENCY

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2007, chapter 576 amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349. It maintains the minimum content requirements for the training programs but provides that an elected official who completes a training program that contains all the information contained under the Frequently Asked Questions heading on the State's Freedom of Access law website meets the minimum requirements. Current law directs the Right To Know Advisory Committee to approve the training programs; chapter 576 eliminates that role. Current law requires an elected official to send notice of the completion of the required training to the advisory committee. Chapter 576 requires the elected official to make a record of the completion of the training and either keep it or file it with the public entity to which that official was elected. The record of completion is a public record. The advisory committee is directed to recommend to the Legislature a process for collecting the completion data and making it available to the public. Chapter 576 addresses the application of the mandatory training requirement to elected officials. Current law applies beginning July 1, 2008. This chapter revises the application to Legislators to begin for Legislators elected after November 1, 2008. Chapter 576 also specifically spells out the elected officials who are subject to the training and provides a general description of those who, as part of the duties of their offices, exercise executive or legislative powers as elected officials of regional or other political subdivisions.

Public Law 2007, chapter 696 was enacted as an emergency measure effective April 7, 2008.

LD 2212 An Act Concerning Public Records Exceptions

PUBLIC 597

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-957

This bill implements the recommendations of the Right To Know Advisory Committee regarding statutory changes to existing public records exceptions. This bill amends the laws concerning: personal contact information of public employees; state employee personnel records; reports, records and working papers of the Office of Program Evaluation and Government Accountability; complaint and investigative files maintained by the State Court Administrator; investigations by the Attorney General of the unauthorized practice of law; the records and proceedings of technology centers; and the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council.

The bill directs the Joint Standing Committee on Judiciary to review the recommendations of the Right To Know Advisory Committee about specific statutory provisions and make recommendations about whether the public record exceptions contained in those provisions should be maintained, modified, repealed or clarified. These provisions were identified in the second annual report of the Right To Know Advisory Committee as raising issues for which more information should be provided by interested parties before final recommendations can be made.

Committee Amendment "A" (H-957)

This amendment deletes the section of the bill that directs the Joint Standing Committee on Judiciary to review specific public records exceptions and report by December 1, 2008 with recommendations. The committee completed the review and includes the recommendations in this amendment.

This amendment deletes the proposed amendment to the OPEGA statutes. This amendment revises the law governing documents created or stored on a State Government computer to clarify that such documents must be made available in accordance with the freedom of access laws. This amendment narrows the confidentiality of pesticide test results requested by the Board of Pesticides Control to that information that has been determined to be confidential by the Administrator of the United States Environmental Protection Agency in accordance with federal law. This amendment includes language to continue the confidentiality of records of the former Baxter

Joint Standing Committee on Judiciary

Compensation Authority consistent with the Baxter Compensation Authority statutes that were repealed upon the termination of the program. This amendment reverses the presumption that information derived by or communicated to the Bureau of Financial Institutions may not be disclosed to the public. This amendment provides that specific categories of information are confidential and may not be disclosed or made public. The existing exceptions to the prohibition on disclosure are retained. The penalty for disclosure in violation of the statute is updated, and the culpable mental state of "intentionally or knowingly" is added.

Enacted Law Summary

Public Law 2007, chapter 597 implements many of the recommendations of the Right To Know Advisory Committee regarding statutory changes to existing public records exceptions.

Under current law, personal contact information concerning public employees is not a public record. Public Law 2007, chapter 597 clarifies that the exception also applies to personal contact information of voluntary appointees serving in State Government positions without compensation by cross-referencing the definition of "employee" in the Maine Tort Claims Act. It also addresses a potential conflict with this exception and the law governing state employee personnel records to clarify that personal contact information of state employees and applicants for state employment is not a public record.

Chapter 597 narrows the current exception providing confidentiality to complaint and investigative files maintained by the State Court Administrator to only those complaints and investigations that are related to court and judicial security.

Chapter 597 repeals the exception making confidential any investigations by the Attorney General of the unauthorized practice of law. Title 16, section 614 addresses when investigative records or information held by the Attorney General for any type of investigation may be disclosed to the public. Chapter 597 repeals Title 4, section 809, dealing with investigations by the Attorney General, since it is not necessary.

Chapter 597 narrows the exception in current law that designates the records and proceedings of technology centers as not public for the purposes of the freedom of access laws. It provides that the records and proceedings are public except for certain records designated as confidential, including records that are confidential by other provisions of law, financial statements, credit reports, tax returns and records that contain proprietary information or trade secrets.

Chapter 597 requires that the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council take a publicly recorded vote supported by a majority of the members before closing meetings or records to the public as allowed under current law when public disclosure of the subject matter would adversely affect the competitive position of the milk industry of the State or segments of that industry.

Public Law 2007, chapter 597 revises the law governing documents created or stored on a State Government computer to clarify that such documents must be made available in accordance with the freedom of access laws. This clarifies that documents created or stored on a State Government computer are public records if they meet the definition of "public record" contained in the Maine Revised Statutes, Title 1, chapter 13.

Chapter 597 narrows the confidentiality of pesticide test results requested by the Board of Pesticides Control to that information that has been determined to be confidential by the Administrator of the United States Environmental Protection Agency in accordance with federal law.

Chapter 597 includes language to continue the confidentiality of records of the former Baxter Compensation Authority consistent with the Baxter Compensation Authority statutes that were repealed upon the termination of the program. That provision is retroactive to the date the Baxter Compensation Authority statutes were repealed to ensure the continuity of protection of the records.

Chapter 597 reverses the presumption that information derived by or communicated to the Bureau of Financial

Joint Standing Committee on Judiciary

Institutions may not be disclosed to the public. It provides that specific categories of information are confidential and may not be disclosed or made public. The existing exceptions to the prohibition on disclosure are retained. The penalty for disclosure in violation of the statute is updated, and the culpable mental state of "intentionally or knowingly" is added.

LD 2215 An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings

PUBLIC 579

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM	S-490

This bill increases the exemption from attachment and execution under the bankruptcy laws of a debtor's interest in the debtor's residence from \$35,000 to \$100,000 and from \$70,000 to \$200,000 if the minor dependents of the debtor reside in the residence or if the debtor is 60 years of age or older or physically or mentally disabled.

Committee Amendment "A" (S-490)

This amendment increases the exemption from attachment and execution in current law, including under the bankruptcy laws, of a debtor's interest in the debtor's residence from \$35,000 to \$47,500 and from \$70,000 to \$95,000 if the minor dependents of the debtor reside in the residence or if the debtor is 60 years of age or older or physically or mentally disabled. The increases in the amendment are more in line with actual home price increases in the State than those proposed in the bill.

Enacted Law Summary

Public Law 2007, chapter 579 increases the exemption from attachment and execution in current law, including under the bankruptcy laws, of a debtor's interest in the debtor's residence from \$35,000 to \$47,500 and from \$70,000 to \$95,000 if the minor dependents of the debtor reside in the residence or if the debtor is 60 years of age or older or physically or mentally disabled.

LD 2220 An Act To Aid Victims of Identity Theft in Securing a Police Report

PUBLIC 634

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-958

The bill is proposed by the Criminal Law Advisory Commission. This bill allows a person who is a victim of identity theft to make a report to the police and obtain a copy of the police report. The bill provides for a simple, expedient and comprehensive post-judgment method of relief when a person's identity has been stolen and falsely used by another person in a criminal proceeding, a civil violation proceeding or a traffic infraction proceeding. It is immaterial as to what the final outcome is in that proceeding. The relief offered is a court determination of factual innocence and the correction of the court records and related criminal justice agency records. This bill does not provide relief to a person who has stolen another person's identity and falsely used in it a criminal, civil violation or traffic infraction proceeding.

Committee Amendment "A" (H-958)

This amendment deletes section 2 of the bill, which proposed a procedure to obtain a finding of factual innocence when a person's identity is stolen and falsely used in a court prosecution. It adds a mandate preamble.

Enacted Law Summary

Public Law 2007, chapter 634 allows a person who is a victim of identity theft to make a report to the police and

Joint Standing Committee on Judiciary

obtain a copy of the police report.

LD 2221 An Act To Implement the Recommendations of the Tribal-State Work Group

PUBLIC 697

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-1043

This bill contains statutory recommendations of the Tribal-State Work Group, established by Executive Order 19 FY 06/07 and continued and expanded by Resolve 2007, chapter 142.

This bill revises the headnote of the Maine Revised Statutes, Title 30 to reflect the inclusion of laws that apply to Indian tribes in Maine. This bill provides for jurisdictional parity among the four Indian tribes in Maine: the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Indian Nation, based on the powers, privileges and immunities outlined in AN ACT to Implement the Maine Indian Claims Settlement, enacted in 1980. This bill enacts the Omnibus Tribal Sovereignty Act, which provides a statement of legislative intent and findings and cross-references the powers, privileges and immunities to apply to the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians. This bill repeals sections of AN ACT to Implement the Maine Indian Claims Settlement and The Micmac Settlement Act that provide different powers, privileges and immunities for the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs or that are not consistent with federal law. This bill expands the membership of the Maine Indian Tribal-State Commission to include two representatives of the Aroostook Band of Micmacs and two representatives of the Houlton Band of Maliseet Indians, as well as four additional representatives of the State. It expands the duties of the commission to include a continual review of the effectiveness of AN ACT to Implement the Maine Indian Claims Settlement, The Micmac Settlement Act and the Omnibus Tribal Sovereignty Act. It authorizes the commission to submit legislation directly to the Legislature. It also requires that before the State or any political subdivision commences a court or administrative action involving interpretation of AN ACT to Implement the Maine Indian Claims Settlement, The Micmac Settlement Act or the Omnibus Tribal Sovereignty Act, the dispute must first be presented to the commission for mediation. The mediation provisions are based on current Maine Rules of Civil Procedure concerning mediation.

This bill requires every state agency to provide for a timely and meaningful consultation with each Indian tribe, nation or band before proposing, adopting or implementing legislation or administrative measures that may materially affect the Indian tribe, nation or band. This bill provides that the laws governing freedom of access do not apply to the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Indian Nation. This bill includes a contingent date section to provide that it does not take effect unless approved by the Houlton Band of Maliseet Indians, the Aroostook Band of Micmacs, the Penobscot Indian Nation and the Passamaquoddy Tribe within 90 days after the adjournment of the Second Regular Session of the 123rd Legislature. If the bill is approved as required it will take effect 120 days after adjournment of the Second Regular Session of the 123rd Legislature.

Committee Amendment "A" (H-1043)

This amendment replaces the bill. This amendment is divided into 3 parts. Part A requires approval by the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians before Part A can take effect. If the required approvals are received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part A takes effect 120 days after adjournment. Part B requires approval by the Houlton Band of Maliseet Indians before Part B can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part B takes effect 120 days after adjournment. Part C requires the approval of the Houlton Band of Maliseet Indians before Part C can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part C takes effect October 1, 2009.

Joint Standing Committee on Judiciary

This amendment amends the membership of the Maine Indian Tribal-State Commission to include two members appointed by the Houlton Band of Maliseet Indians and two more appointed by the Governor. The amendment deletes language that pertained to the selection of the first chair of the Maine Indian Tribal-State Commission that is no longer necessary. It also includes provisions for the replacement of the chair of the commission.

This amendment provides the Houlton Band of Maliseet Indians with the powers and jurisdiction similar to that of the Passamaquoddy Tribe and the Penobscot Nation. It defines Maliseet Indian territory to consist of the two parcels that are currently the band's trust lands. This amendment also directs that the band engage in discussions and negotiations to resolve transitional and other issues and directs that the band report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the progress of such discussions.

This amendment revises the headnote of Title 30 to include Federally Recognized Indian Tribes and directs the Revisor of Statutes to implement the change.

Enacted Law Summary

Public Law 2007, chapter 697 implements some of the recommendations of the Tribal-State Work Group, and enacts changes to the laws relating to the jurisdiction of the Houlton Band of Maliseet Indians.

Chapter 697 is divided into 3 parts. Part A amends the membership of the Maine Indian Tribal-State Commission to include two members appointed by the Houlton Band of Maliseet Indians and two more appointed by the Governor. It also revises the headnote of Title 30 to include Federally Recognized Indian Tribes and directs the Revisor of Statutes to implement the change. Part C provides the Houlton Band of Maliseet Indians with the powers and jurisdiction similar to that of the Passamaquoddy Tribe and the Penobscot Nation. It defines Maliseet Indian territory to consist of the two parcels that are currently the band's trust lands. Parts B and C direct that the band engage in discussions and negotiations to resolve transitional and other issues and directs that the band report to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the progress of such discussions.

Part A requires approval by the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians before Part A can take effect. If the required approvals are received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part A takes effect 120 days after adjournment. Part B requires approval by the Houlton Band of Maliseet Indians before Part B can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part B takes effect 120 days after adjournment. Part C requires the approval of the Houlton Band of Maliseet Indians before Part C can take effect. If the required approval is received within 90 days after adjournment of the First Special Session of the 123rd Legislature, Part C takes effect October 1, 2009.

LD 2233 An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws

**PUBLIC 485
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

H-703 SIMPSON

This bill is submitted by the Judiciary Committee pursuant to Public Law 2007, chapter 335. The bill removes language due to take effect March 1, 2008 that the federal Department of Health and Human Services has determined violates federal confidentiality provisions. That language allows a parent or legal guardian to release information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in a child protective action. This bill takes effect March 1, 2008 to match the effective date of Public Law 2007, chapter 335 as amended by Public Law 2007, chapter 473. This bill also repeals a sentence added by Public Law 2005, chapter 300 concerning the prohibition on further

Joint Standing Committee on Judiciary

dissemination of records and information. Repeal of the sentence does not authorize any person to share a record or information that was received from the Department of Health and Human Services for any reason other than those already permitted by law.

House Amendment "A" (H-703)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 485 removes language due to take effect March 1, 2008 that the federal Department of Health and Human Services has determined violates federal confidentiality provisions. That language allows a parent or legal guardian to release information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in a child protective action. Chapter 485 also repeals a sentence added by Public Law 2005, chapter 300 concerning the prohibition on further dissemination of records and information. Repeal of the sentence does not authorize any person to share a record or information that was received from the Department of Health and Human Services for any reason other than those already permitted by law.

Public Law 2007, chapter 485 was enacted as an emergency measure effective February 28, 2008.

LD 2243 An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation and To Clarify the Probation Laws Relating to Violation of Protection Orders

PUBLIC 577

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-870

This bill adds sexual assault counselors and family or domestic violence victim advocates to the list of mandated reporters of suspected abuse, neglect or exploitation to both the child protective unit and the adult protective unit within the Department of Health and Human Services. This bill creates an exception for each new reporter in the statutes that would otherwise govern client confidentiality in order to permit this mandatory reporting.

Committee Amendment "A" (H-870)

This amendment corrects the probation statutes to delete the reference to whether a Class D crime was committed against a victim of sexual assault or stalking. Public Law 2007, chapter 340 expanded the list of persons eligible to apply for and obtain protection from abuse orders beyond family and household members to include dating partners and victims of sexual assault or stalking. A parallel change was made to the probation statutes to authorize probation when a Class D crime is committed against a family or household member, a dating partner or a victim of sexual assault or stalking. This expansion is too broad because it is not always clear who had been a victim of sexual assault or stalking when dealing with a subsequent crime. Whether the victim and perpetrator are family or household members or dating partners is an easy factual question to answer; whether the victim was ever a victim of sexual assault or stalking is not necessarily as easy to show. The amendment makes clear that probation is available for all violations of protection orders that are Class D crimes; therefore, probation will be available when the basis for issuing the protection order had been that the petitioner was a victim of sexual assault or stalking. This amendment also clarifies the statutes under which a defendant has violated a protective order to specifically list those statutes.

Enacted Law Summary

Public Law 2007, chapter 577 adds sexual assault counselors and family or domestic violence victim advocates to the list of mandated reporters of suspected abuse, neglect or exploitation to both the child protective unit and the adult protective unit within the Department of Health and Human Services. Chapter 577 creates an exception for

Joint Standing Committee on Judiciary

each new reporter in the statutes that would otherwise govern client confidentiality in order to permit this mandatory reporting.

Chapter 577 corrects the probation statutes to delete the reference to whether a Class D crime was committed against a victim of sexual assault or stalking. It makes clear that probation is available for all violations of protection orders that are Class D crimes; therefore, probation will be available when the basis for issuing the protection order had been that the petitioner was a victim of sexual assault or stalking. Chapter 577 also clarifies the statutes under which a defendant has violated a protective order to specifically list those statutes.

LD 2248 An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors

PUBLIC 552

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill amends the Maine Revised Statutes, Title 15, sections 1004, 1103, and 2115-B by deleting outdated references to Rule 42 of the Maine Rules of Criminal Procedure. In 2003, Rule 42 was abrogated except to serve as a signpost directing the reader to apply the procedures contained in Rule 66 of the Maine Rules of Civil Procedure. See Me. Rptr., 819-831 A.2d XXX.

Enacted Law Summary

Public Law 2007, chapter 552 amends the Maine Revised Statutes, Title 15, sections 1004, 1103, and 2115-B by deleting outdated references to Rule 42 of the Maine Rules of Criminal Procedure.

LD 2252 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 695
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-1036

H-1037 SIMPSON

H-1038 SIMPSON

H-1044 SIMPSON

S-680 HOBBS

This bill, consisting of Parts A and B, corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-1036)

This amendment deletes several sections from Part A of the bill because the corrections are made in other bills or to avoid further conflicts.

This amendment adds Parts C, D, E, F, G, H and I.

Part C consists of technical amendments.

Part D addresses timing issues concerning the repeal of the Consumer Advisory Board and the Maine Advisory Committee on Mental Retardation and the effective date of the new Maine Developmental Services Oversight and Advisory Board.

Joint Standing Committee on Judiciary

Part E amends Title 28-A, section 1504 to include a new subsection 3-A concerning partial-bottle distilled spirits samples, consistent with the law governing sampling for those licensed as small breweries, farm wineries or wholesalers.

Part F corrects an erroneous cross-reference made in an initiative involving the Department of Professional and Financial Regulation to another initiative within the same department.

Part G amends the ballot language for school unit budgets to clarify that the same wording can be used for all budget votes, including elections involving school units that consist of a municipality.

Part H repeals and replaces Public Law 2007, chapter 539, Part F, section 2 to authorize the Commissioner of Health and Human Services to adopt rules to increase fees assessed under Title 22, section 2494 applying to eating establishments, eating and lodging places, lodging places, recreational camps or camping areas. Part H also amends Public Law 2007, chapter 539, Part F, section 5 concerning the formula related to the jurisdiction of the Department of Health and Human Services and the Department of Agriculture, Food and Rural Resources to provide that the Department of Agriculture has jurisdiction over operations of establishments unless sales of food for consumption on the premises or ready-to-eat for off-premises consumption, measured by annual dollar receipts, exceeds 50% of the total annual food-related dollar receipts.

Part I makes changes to resolve conflicts in the law regarding the penalties for scallop fishing violations created by Public Law 2007, chapters 557 and 607. Public Law 2007, chapter 557 increased penalties for violations of scalloping fishing laws in Cobscook Bay and Public Law 2007, chapter 607 made those same penalties apply to scallop fishing violations on a statewide basis. This amendment resolves the conflicts by making the penalties apply statewide including Cobscook Bay.

House Amendment "A" (H-1037)

This amendment deappropriates funds in fiscal year 2007-08 that do not take effect until June 30, 2008 pursuant to Public Law 2007, chapter 539 and instead appropriates those funds for indigent defense costs in fiscal year 2007-08.

Senate Amendment "A" (S-680)

This amendment adds the chair of the Shellfish Advisory Council as a member of the Marine Resources Advisory Council.

House Amendment "B" (H-1038)

This amendment changes the beginning date for certain funds to be transferred from the Dirigo Health Enterprise Fund to the Maine Individual Reinsurance Association from July 1, 2010 to July 1, 2009. It also removes a duplicative appropriations and allocations section and corrects a clerical error.

House Amendment "C" (H-1044)

The involuntary treatment law enacted in Public Law 2007, chapter 580 addresses medication but does not address the laboratory testing that is necessary to monitor and manage the possible side effects. This amendment authorizes laboratory testing for the management and monitoring of the possible side effects of medication.

Enacted Law Summary

Public Law 2007, chapter 695 makes several technical corrections and a few substantive changes to the laws of Maine. Parts A, B and C make technical changes.

Part D addresses timing issues concerning the repeal of the Consumer Advisory Board and the Maine Advisory Committee on Mental Retardation and the effective date of the new Maine Developmental Services Oversight and Advisory Board.

Joint Standing Committee on Judiciary

Part E amends Title 28-A, section 1504 to include a new subsection 3-A concerning partial-bottle distilled spirits samples, consistent with the law governing sampling for those licensed as small breweries, farm wineries or wholesalers.

Part F corrects an erroneous cross-reference made in an initiative involving the Department of Professional and Financial Regulation to another initiative within the same department.

Part G amends the ballot language for school unit budgets to clarify that the same wording can be used for all budget votes, including elections involving school units that consist of a municipality.

Part H amends Public Law 2007, chapter 539, Part F to address authorization for fees and licensing jurisdiction concerning businesses that provide food or lodging.

Part I makes changes to resolve conflicts in the law regarding the penalties for scallop fishing violations created by Public Law 2007, chapters 557 and 607.

Part J deappropriates funds in fiscal year 2007-08 that do not take effect until June 30, 2008 pursuant to Public Law 2007, chapter 539 and instead appropriates those funds for indigent defense costs in fiscal year 2007-08.

Part K adds the chair of the Shellfish Advisory Council as a member of the Marine Resources Advisory Council.

Part L changes the beginning date for certain funds to be transferred from the Dirigo Health Enterprise Fund to the Maine Individual Reinsurance Association from July 1, 2010 to July 1, 2009. It also removes a duplicative appropriations and allocations section and corrects a clerical error.

The involuntary treatment law enacted in Public Law 2007, chapter 580 addresses medication but does not address the laboratory testing that is necessary to monitor and manage the possible side effects. Part M authorizes laboratory testing for the management and monitoring of the possible side effects of medication.

Public Law 2007, chapter 695 was enacted as an emergency measure effective April 24, 2008.

LD 2306 An Act To Amend the Definition of "Penobscot Indian Reservation"

ONTP

Sponsor(s)

LORING

Committee Report

ONTP

Amendments Adopted

This bill adds a 714-acre parcel of land located in a portion of the Unorganized Territory known as Argyle in Penobscot County to the definition of the "Penobscot Indian Reservation."

Joint Standing Committee on Judiciary

SUBJECT INDEX

Business & Nonprofit Organizations

Enacted

LD 1792	An Act To Require Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations	PUBLIC 624
LD 1940	An Act To Assist Distressed Businesses Organized as Limited Liability Companies	PUBLIC 496
LD 1994	An Act To Amend the Laws Relating to Marks, Corporations, Limited Partnerships, Limited Liability Companies and Registered Agents	PUBLIC 535 EMERGENCY
LD 2128	An Act To Correct the Uniform Limited Partnership Act of 2007	PUBLIC 502 EMERGENCY

Child Protection

Enacted

LD 2013	An Act To Extend the Application of Certain Rebuttable Presumptions in the Child Protection Laws	PUBLIC 513
LD 2161	An Act To Clarify Confidentiality in Child Protective Proceedings	PUBLIC 473 EMERGENCY
LD 2233	An Act To Repeal Certain Confidentiality Provisions in the Child Protective Laws	PUBLIC 485 EMERGENCY
LD 2243	An Act To Increase the Number of Mandated Reporters of Abuse, Neglect or Exploitation and To Clarify the Probation Laws Relating to Violation of Protection Orders	PUBLIC 577

Confidentiality/Freedom of Access

Enacted

LD 1881	An Act To Improve Transparency and Accountability in Government	PUBLIC 501
LD 1923	An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman	PUBLIC 603
LD 2047	An Act To Shield Journalists' Confidential Sources	PUBLIC 654
LD 2093	An Act To Help Prevent Identity Theft	PUBLIC 626

LD 2198	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials	PUBLIC 576 EMERGENCY
LD 2212	An Act Concerning Public Records Exceptions	PUBLIC 597
LD 2220	An Act To Aid Victims of Identity Theft in Securing a Police Report	PUBLIC 634

Not Enacted

LD 2094	An Act To Protect Personally Identifying Information	ONTP
---------	--	------

Courts and Court Procedure

Enacted

LD 2197	An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes	PUBLIC 526
LD 2248	An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors	PUBLIC 552

Courts, Jury Duty

Not Enacted

LD 1	An Act To Increase Reimbursement for Jury Duty	DIED ON ADJOURNMENT
------	--	------------------------

Courts, Justices and Judges

Not Enacted

LD 1524	An Act To Increase Judicial Salaries	ONTP
---------	--------------------------------------	------

Human Rights and Medical Rights

Enacted

LD 461	An Act To Implement the Recommendations of the Human Trafficking Task Force	PUBLIC 684
LD 1505	An Act To Adopt the Revised Uniform Anatomical Gift Act	PUBLIC 601

Not Enacted

LD 1540	An Act To Guarantee Free Speech in Privately Owned Public Gathering Places	ACCEPTED ONTP REPORT
---------	--	-------------------------

Minors and Juveniles

Not Enacted

LD 2037 An Act To Provide Support for At-risk Youth ONTP

Real Property

Enacted

LD 2215 An Act To Increase the Amount of Value of a Residence Protected from Bankruptcy Proceedings PUBLIC 579

Torts and Immunity, General

Not Enacted

LD 1348 An Act To Amend the Maine Tort Claims Act DIED ON
ADJOURNMENT

LD 1349 Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver DIED ON
ADJOURNMENT

LD 1988 An Act To Protect Persons Responding to an Emergency Situation Involving a Water Utility ONTP

LD 2036 An Act To Clarify Governmental Liability with Respect to Transfer Stations ONTP

LD 2115 An Act To Limit Liability for Businesses and Employees Who Work with Liquefied Petroleum Gas ONTP

Torts and Immunity, Medical Malpractice

Not Enacted

LD 367 An Act To Protect Emergency Room Personnel from Civil Liability ONTP

LD 469 An Act To Disseminate "Lessons Learned" from Medical Injury Claims ONTP

LD 608 An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases ONTP

LD 684 An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error ONTP

LD 857 Resolve, To Create A Medical Malpractice Study Group ONTP

LD 1271 An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties ONTP

Tribal-State Relations

Enacted

LD 507	An Act To Require the Accommodation of Religious Practices in Correctional Facilities	PUBLIC 546
LD 1970	Resolve, To Extend to January 20, 2008 the Reporting Deadline for the Tribal-State Work Group	RESOLVE 145 EMERGENCY
LD 2221	An Act To Implement the Recommendations of the Tribal-State Work Group	PUBLIC 697

Not Enacted

LD 2306	An Act To Amend the Definition of "Penobscot Indian Reservation"	ONTP
---------	--	------

Uncategorized

Enacted

LD 2181	An Act To Protect Consumers' Gift Card Interests	PUBLIC 696
LD 2252	An Act To Correct Errors and Inconsistencies in the Laws of Maine	PUBLIC 695 EMERGENCY

Not Enacted

LD 1747	An Act To Enact the Uniform Power of Attorney Act	ONTP
---------	---	------

**JOINT STANDING COMMITTEE ON
JUDICIARY**

Summary of Committee Actions

I. BILLS AND PAPERS CONSIDERED	<u>Number</u>	<u>% of Comm Activity</u>	<u>% of All Bills/Papers</u>
A. Bills referred to Committee			
<i>Bills referred and voted out</i>	24	55.8%	4.3%
<u><i>Bills Carried Over from previous session</i></u>	18	41.9%	3.2%
Total Bills referred	42	97.7%	7.5%
B. Bills reported out by law or joint order	1	2.3%	0.2%
Total Bills considered by Committee	43	100.0%	7.6%
Orders and Resolutions referred to Committee			
<i>Joint Study Orders referred and voted out</i>	0	0.0%	0.0%
<i>Joint Resolutions referred and voted out</i>	0	0.0%	0.0%
<u><i>Orders and Resolutions Carried Over</i></u>	0	0.0%	0.0%
Total Orders and Resolutions Referred	0	0.0%	0.0%
II. COMMITTEE REPORTS	<u>Number</u>	<u>% of this Committee's Reports</u>	<u>% of All Committee Reports</u>
A. Unanimous committee reports			
<i>Ought to Pass</i>	5	12.2%	0.9%
<i>Ought to Pass as Amended</i>	19	46.3%	3.6%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	14	34.1%	2.6%
Total unanimous reports	38	92.7%	7.2%
B. Divided committee reports			
<i>Two-way reports</i>	2	4.9%	0.4%
<i>Three-way reports</i>	1	2.4%	0.2%
<u><i>Four-way reports</i></u>	0	0.0%	0.0%
Total divided reports	3	7.3%	0.6%
Total committee reports	41 ¹	95.3%	7.7%
III. CONFIRMATION HEARINGS	12	N/A	N/A
IV. FINAL DISPOSITION	<u>Number</u>	<u>% of Comm Bills/Papers</u>	<u>% of All Bills/Papers</u>
A. Bills and Papers enacted or finally passed			
<i>Joint Study Orders</i>	0	0.0%	0.0%
<i>Public laws</i>	24	55.8%	4.3%
<i>Private and Special Laws</i>	0	0.0%	0.0%
<i>Resolves</i>	1	2.3%	0.2%
<u><i>Constitutional Resolutions</i></u>	0	0.0%	0.0%
Total Enacted or Finally Passed	25	58.1%	4.4%
B. Resolves to authorize major substantive rules			
Rules authorized without legislative changes	0	0.0%	0.0%
Rules authorized with legislative changes	0	0.0%	0.0%
<u>Rules not authorized by the Legislature</u>	0	0.0%	0.0%
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoes over-ridden</i>	0	0.0%	0.0%
<i>Vetoes sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	0	0.0%	0.0%
Total	0	0.0%	0.0%

¹ Total number of committee reports does not include two bills, LD 1348 and LD 1349, that were referred to the committee, but were not reported out.

Note: A committee vote on a bill is not included here if the bill was subsequently re-referred to another committee or recommitted and carried over.