

STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

July 2007

MEMBERS:

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SEN. JOHN M. NUTTING
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*Representative Bonnie S. Gould replaced former Representative Abigail Holman on the Judiciary Committee.

**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>	114	86.4%	5.9%
<u><i>Bills Carried Over</i></u>	<u>18</u>	<u>13.6%</u>	<u>0.9%</u>
Total Bills referred	132	100.0%	6.8%
B. Bills reported out by law or joint order	0	0.0%	0.0%
Total Bills considered by Committee	132	100.0%	6.8%
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%
<i>Orders and Resolutions Carried Over</i>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
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>	8	7.0%	0.5%
<i>Ought to Pass as Amended</i>	46	40.4%	2.6%
<i>Ought to Pass as New Draft</i>	0	0.0%	0.0%
<u><i>Ought Not to Pass</i></u>	<u>50</u>	<u>43.9%</u>	<u>2.9%</u>
Total unanimous reports	104	91.2%	6.0%
B. Divided committee reports			
<i>Two-way reports</i>	10	8.8%	0.6%
<i>Three-way reports</i>	0	0.0%	0.0%
<u><i>Four-way reports</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total divided reports	10	8.8%	0.6%
Total committee reports	114	86.4%	6.5%
III. CONFIRMATION HEARINGS	15	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>	52	39.4%	2.7%
<i>Private and Special Laws</i>	1	0.8%	0.1%
<i>Resolves</i>	5	3.8%	0.3%
<u><i>Constitutional Resolutions</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total Enacted or Finally Passed	58	43.9%	3.0%
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>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total number of rules reviewed	0	0.0%	0.0%
C. Bills vetoed or held by Governor			
<i>Vetoed over-ridden</i>	0	0.0%	0.0%
<i>Vetoed sustained</i>	0	0.0%	0.0%
<u><i>Held by the Governor</i></u>	<u>0</u>	<u>0.0%</u>	<u>0.0%</u>
Total	0	0.0%	0.0%

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.

Joint Standing Committee on Judiciary

LD 1 An Act To Increase Reimbursement for Jury Duty

CARRIED OVER

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

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.

LD 1 is carried over pursuant to Joint Order, HP 1369.

See also LD 1629.

LD 47 An Act To Prohibit the Promotion of Travel for Sex Tourism

ONTP

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

LD 47, which is based on a law passed in Washington State, prohibits travel agencies within the State from engaging in travel for commercial sexual purposes. "Travel for commercial sexual purposes" is defined as advertising or arranging for travel with the intention of enabling the customer to engage in prostitution or to engage a prostitute or to engage in a sexual act, sexual contact or sexual touching for which anything of value is given, promised or received. The bill also makes a violation of this prohibition a Class C crime, with a penalty of up to 5 years in prison and up to a \$5,000 fine.

See also LD 461.

LD 49 Resolve, To Deny Family Status to Fetuses

ONTP

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

LD 49 directs the Department of Health and Human Services to amend the rules for all public assistance programs to deny fetuses familial status by January 1, 2008. In amending the rules the department shall prohibit the counting of a fetus as a family member in the computation of income for the family unit. The rules would be routine technical rules.

**LD 61 An Act To Add Abortion Providers to the List of Mandated Reporters
to the Department of Health and Human Services**

ONTP

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

Joint Standing Committee on Judiciary

LD 61 makes providers of abortion services mandatory reporters of child sex abuse with regard to a child under 16 years of age when the provider knows or has reasonable cause to suspect that the child has been sexually abused by a family member. LD 61 makes confidential the information that the child had sought abortion services.

LD 73 An Act To Place Land in Centerville in Trust

PUBLIC 221

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-239

LD 73 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe all land acquired in Centerville. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe.

Committee Amendment "A" (H-239)

This amendment specifies that the land eligible for trust status consists of particular parcels listed in the deed from Bertram C. Tackeff to the Passamaquoddy Tribe.

Enacted Law Summary

Public Law 2007, chapter 221 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe particular parcels listed in the deed from Bertram C. Tackeff to the Passamaquoddy Tribe located in Centerville. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe. Chapter 221 takes effect upon ratification by the Passamaquoddy Tribe.

LD 74 An Act To Exempt Certain Parents and Caretakers from Jury Duty

ONTP

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

LD 74 exempts from jury duty a mother who is breast-feeding a child; a parent of child who has not attained 10 years of age if the court determines that service of the parent as a juror would jeopardize the safety of the child; and a caretaker of an elderly or disabled person if that person requires full-time attention from the caretaker.

See also LD 1629.

**LD 86 An Act To Require the Collection of Information on Vehicle Accidents
on Private Property**

ONTP

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

Joint Standing Committee on Judiciary

LD 86 requires that an accident report be filed for a motor vehicle accident on private property as current law requires for an accident on a public way. LD 86 was rereferred from the Transportation Committee.

LD 94 An Act To Protect Consumer Rights under the Maine Unfair Trade Practices Act

PUBLIC 222

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH HOBBINS	OTP-AM	H-240

LD 94 clarifies and achieves the original intent of the Maine Unfair Trade Practices Act concerning regulatory boards by exempting from application of the law actions expressly permitted by law by a regulatory board or officer.

Committee Amendment "A" (H-240)

This amendment replaces the bill. The amendment establishes a two-step analysis to determine if a defendant's transactions or actions are excepted from the application of the Maine Unfair Trade Practices Act. First, the defendant must show that its business activities are subject to regulation by a state or federal agency. If the defendant satisfies the first step, then the defendant must show that the specific activity that is the focus of the inquiry is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation, or that other regulatory approval, which may be less formal than law, rule or regulation, authorizes, permits or requires the specific activity.

Enacted Law Summary

Public Law 2007, c. 222 establishes a two-step analysis to determine if a defendant's transactions or actions are excepted from the application of the Maine Unfair Trade Practices Act. First, the defendant must show that its business activities are subject to regulation by a state or federal agency. If the defendant satisfies the first step, then the defendant must show that the specific activity that is the focus of the inquiry is authorized, permitted or required by a state or federal agency or by applicable law, rule or regulation, or that other regulatory approval, which may be less formal than law, rule or regulation, authorizes, permits or requires the specific activity.

LD 102 An Act To Amend the Laws Governing Mechanics Liens

ONTP

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

LD 102 requires that for a lien for construction costs to be enforced, it must be for labor, materials or services performed under a written contract.

LD 103 An Act To Give Children Equal Priority in Creditor Situations Consistent with Bankruptcy

ONTP

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

Joint Standing Committee on Judiciary

LD 103 amends the law that lists the property of a debtor that is exempt from attachment and execution by adding to the list the debtor's interest in funds or other assets to the extent the funds or other assets are necessary to pay child support under a support order that is either in existence or is anticipated. The exemption applies to protect the payment of child support from all creditors who may have an interest in the debtor's property.

LD 104 An Act To Protect Minors from Certain Bill Collectors

ONTP

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

LD 104 prohibits the collection from a minor of a debt incurred in providing health care, health services or medication to the minor and makes an attempt to collect the debt a Class D crime.

LD 115 An Act To Recognize the Metis Eastern Tribal Indian Society of Maine

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CAMPBELL NASS R	ONTP	

LD 115 extends state recognition to the Metis Eastern Tribal Indian Society of Maine as a distinct aboriginal group. LD 115 does not alter the application of the laws of the State to the Metis Eastern Tribal Indian Society of Maine or Metis people.

LD 169 An Act To Place Land in Township 21 in Trust

PUBLIC 223

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-241

LD 169 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe all land acquired in Township 21. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe.

Committee Amendment "A" (H-241)

This amendment specifies that the land eligible for trust status is Gordon Island in Big Lake, acquired from Domtar Maine Corporation by the Passamaquoddy Tribe.

Enacted Law Summary

Public Law 2007, chapter 223 amends the Act to Implement the Maine Indian Claims Settlement concerning the trust lands of the Passamaquoddy Tribe. The Secretary of the Interior of the United States has until January 31, 2017 to acquire and place in trust on behalf of the Passamaquoddy Tribe Gordon Island in Big Lake, acquired from Domtar Maine Corporation by the Passamaquoddy Tribe located Township 21. If that deadline is met, the acquired land becomes part of the trust lands of the Passamaquoddy Tribe. Chapter 223 takes effect upon ratification by the Passamaquoddy Tribe.

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LD 178 An Act Regarding the Reporting of Sexual Abuse

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STRIMLING	ONTP MAJ OTP-AM MIN	

LD 178 creates a two-year window for claims for which the statute of limitations had expired at the time the current law, which imposes no statute of limitations, took effect: August 11, 2000. Starting January 1, 2008, persons who were victims of child sexual abuse have the opportunity to file civil suits if the action was time-barred as of August 11, 2000. The revival of these causes of action lasts through the end of 2009.

Committee Amendment "A" (S-204)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment provides a one-year window for the bringing of claims against individuals accused of committing sexual acts against minors if those claims were time-barred as of August 11, 2000, rather than the two-year window proposed in the bill. The claims may be filed after January 1, 2008 and no later than December 31, 2008. The plaintiff may be awarded damages only if the plaintiff proves by clear and convincing evidence that the named defendant committed a sexual act toward the plaintiff when the plaintiff was a minor.

**LD 198 An Act To Increase the Value of an Estate Collectible by Affidavit in
Probate Law to \$20,000**

PUBLIC 30

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

LD 198 increases the amount of personal property of a decedent's estate that can be collected by affidavit from \$10,000 to \$20,000.

Enacted Law Summary

Public Law 2007, chapter 30 increases the amount of personal property of a decedent's estate that can be collected by affidavit from \$10,000 to \$20,000.

LD 199 An Act To Improve the Lien Process

ONTP

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

LD 199 requires notice of a lien and notice of discharge of a lien on the property of a deceased person for a lien placed by a governmental entity or for medical expenses to be sent by registered mail to the executor or personal representative of the decedent's estate.

Joint Standing Committee on Judiciary

LD 200 Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court

**RESOLVE 74
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES DIAMOND	OTP-AM	H-339

LD 200 allows probate courts to access nonconviction data from a criminal justice agency.

Committee Amendment "A" (H-339)

This amendment replaces the bill with a resolve directing the Department of Public Safety, Bureau of State Police to convene a working group to look at providing the Probate Court access to criminal history information that the Probate Court will use in determining whether an individual should be appointed as a guardian or a conservator. After reviewing the state and federal laws, the working group shall report to the Joint Standing Committee on Judiciary no later than December 15, 2007. The committee may submit legislation after receiving the report.

Enacted Law Summary

Resolve 2007, chapter 74 directs the Department of Public Safety, Bureau of State Police to convene a working group to look at providing the Probate Court access to criminal history information that the Probate Court will use in determining whether an individual should be appointed as a guardian or a conservator. After reviewing the state and federal laws, the working group shall report to the Joint Standing Committee on Judiciary no later than December 15, 2007. The committee may submit legislation after receiving the report.

Resolve 2007, chapter 74 was enacted as an emergency measure effective June 12, 2007.

LD 216 Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program

RESOLVE 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN SULLIVAN	OTP-AM	H-554 S-348 MARTIN

LD 216 establishes a financial literacy program using excess funds from the Unclaimed Property Fund.

Committee Amendment "A" (H-554)

This amendment replaces the bill with a resolve and establishes the Council on Financial Literacy, and authorizes the council to award matching grants for financial literacy programs using one-time funds in fiscal years 2007-2008 and 2008-2009 from unallocated funds of the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment authorizes the council to apply for and raise additional funds to sustain its matching grants program.

Senate Amendment "A" (S-348)

This amendment adds a second Legislator to the Council on Financial Literacy and requires that one Legislator be a member of the Senate and one member a member of the House of Representatives.

Enacted Law Summary

Resolve 2007, chapter 126 establishes the Council on Financial Literacy, and authorizes the council to award

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matching grants for financial literacy programs using one-time funds in fiscal years 2007-2008 and 2008-2009 from unallocated funds of the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment authorizes the council to apply for and raise additional funds to sustain its matching grants program.

LD 223 An Act To Amend the Maine Tort Claims Act ONTP

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

LD 223 amends the Maine Tort Claims Act by requiring a school administrative unit, without waiving immunity, to require insurance coverage for an injury to a student who is injured on a playground during normal school hours when students are allowed on the playground and when staff is required to be present.

LD 254 An Act To Restrict Takings under Eminent Domain ONTP

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

LD 254 amends the current law that provides the right of first refusal for the former owner of a property when the property is not used for the project or purpose for which it was taken by eminent domain. LD 254 requires that the price to be paid by the former owner must be equal to the price paid to the owner when the property was taken; no adjustments are made for improvements or inflation. LD 254 also prohibits the condemnation of property occupied by a business in excess of what is absolutely necessary for the project or purpose for which the power of eminent domain is exercised.

LD 255 An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws ONTP

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

LD 255 allows the Department of Conservation, Bureau of Forestry to recover court costs when an action or proceeding brought by the Attorney General on the bureau's behalf prevails.

LD 275 An Act To Protect Child Victims of Sexual Abuse ONTP

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

LD 275 amends the law concerning the admissibility of out-of-court statements by certain victims of sexual assault in criminal prosecutions. LD 275 allows the admission of statements made by the victim to another person when the statements are not considered testimonial. LD 275 allows the person to whom the statement was made to repeat the statement in testimony in open court if the statement was made in circumstances having

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sufficient guarantees of trustworthiness, and the person testifying can be confronted and cross-examined as required under the Constitution of Maine or the United States Constitution. LD 275 applies to statements made by a victim who has a developmental disability as well as to children under 16 years of age. Whether the circumstances have sufficient guarantees of trustworthiness is determined by the facts of each case.

LD 279 An Act To Improve the Responsiveness of Guardians Ad Litem ONTP

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

LD 279 requires that a guardian ad litem appointed by a District Court under the Child and Family Services and Child Protection Act or a probate court reside within the same jurisdiction as the child.

LD 286 An Act To Protect Veterinarians Providing Animal Welfare Services for the State ONTP

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

LD 286 provides immunity from civil suit for any veterinarian who performs animal welfare services for the State.

LD 296 An Act To Amend the Laws Governing Indemnification Agreements ONTP

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

LD 296 prohibits certain indemnification agreements in contracts, but only when the agreement would indemnify or hold harmless, or both, the promisee from and against liability arising out of any intentional act or omission by the promisee or promisor, or the agents, servants, employees or independent contractors of the promisee or promisor. LD 296 does not affect workers' compensation or other insurance contracts. The parties are not prohibited from agreeing that the promisee must be included as an additional insured in an insurance contract. LD 296 applies to all contracts entered into or renewed on or after January 1, 2008.

LD 303 An Act To Strengthen the Whistleblowers' Protection Act BY REQUEST ONTP

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

LD 303 authorizes a private citizen to bring an action on behalf of the State for violations of the Whistleblowers' Protection Act.

See also LD 1187 (Health and Human Services Committee).

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LD 308 An Act To Establish the Fully Informed Jury Act BY REQUEST

ONTP

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

LD 308 enacts the Fully Informed Jury Act. It applies to all actions in which the defendant has a right to a jury trial and in which the State or a political subdivision of the State is the plaintiff. The bill provides that the right to a trial by jury includes the right to inform the jury of the jury's power to judge the law as well as all the evidence. Failure to allow the defendant to so inform the jury is grounds for a mistrial or a new trial. A party may present evidence on the law, including its merit, intent, constitutionality or applicability, as well as the motive, moral perspective or circumstances of the defendant. LD 308 applies to juries impaneled on or after October 1, 2007.

LD 341 An Act To Amend the Probate Code To Affect Claims against an Estate

ONTP

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

LD 341 amends the Probate Code to allow a proceeding to address a claim of negligence against the decedent limited to the limit of the decedent's insurance policy to be commenced within six years of the decedent's death.

LD 354 An Act Regarding the Reporting Requirements of Conservators

PUBLIC 308

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER	OTP-AM	H-374

LD 354 requires the filing of annual reports and a final report, and acceptance of the final report by the court, for a guardian who has responsibility over the estate of a protected person or ward and for a conservator for a protected person.

Committee Amendment "A" (H-374)

This amendment replaces the bill. It requires a private conservator to file an annual account with the Probate Court for approval. The Probate Court may waive or modify the duty to file an annual account for good cause shown by the conservator who is the protected person's spouse or domestic partner. The duty does not end until the court approves the account. This change concerning annual accounting applies to conservators appointed after January 1, 2008. This amendment provides that when the Probate Court determines that the minority or disability of the protected person has ceased, the court shall terminate the conservatorship upon approval of a final account. The bill provided reporting requirements for guardians. This amendment deletes those requirements, but requires the Commissioner of Health and Human Services to convene a working group to review the reporting requirements for guardians and report to the Joint Standing Committee on Judiciary by January 11, 2008.

Enacted Law Summary

Public Law 2007, chapter 308 requires a private conservator to file an annual account with the Probate Court

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for approval. The Probate Court may waive or modify the duty to file an annual account for good cause shown by the conservator who is the protected person's spouse or domestic partner. The duty does not end until the court approves the account. This change concerning annual accounting applies to conservators appointed after January 1, 2008. Chapter 308 provides that when the Probate Court determines that the minority or disability of the protected person has ceased, the court shall terminate the conservatorship upon approval of a final account. Chapter 308 requires the Commissioner of Health and Human Services to convene a working group to review the reporting requirements for guardians and report to the Joint Standing Committee on Judiciary by January 11, 2008.

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

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

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 367 is carried over pursuant to Joint Order, HP 1369.

LD 373 An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State PUBLIC 149

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHERMAN	OTP-AM	S-77

LD 373 expands membership in the Maine Indian Tribal-State Commission to create two new seats for the Houlton Band of Maliseet Indians and to add two additional seats for the State in order to maintain parity between the tribes and the State. The bill also establishes a new quorum and decision threshold reflecting the increase in its membership. The bill will not take effect until approved by the Legislature, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation.

Committee Amendment "A" (S-77)

This amendment incorporates a fiscal note.

LD 389 An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings PUBLIC 256

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON MILLS P	OTP-AM	H-340

LD 389 gives the District Court the authority to enter an order in a child protection case under the Child and Family Services and Child Protection Act that establishes parental rights and responsibilities in the same manner as permitted in the Maine Revised Statutes, Title 19-A. The bill also ensures that the Department of Health and Human Services will participate as a full party in any subsequent proceeding to modify or terminate that order.

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Committee Amendment "A" (H-340)

This amendment clarifies that a parental rights and responsibilities order may be entered by the court in a child protective case upon the request of a parent. This amendment replaces the paragraph in the bill that provides party status to the Department of Health and Human Services with regard to a parental rights and responsibilities order issued in the context of a child protective proceeding. Instead, this amendment makes clear that the department is not a party to any proceeding to modify or terminate the parental rights and responsibilities order unless the court orders otherwise. The department still has the ability to request judicial review under the existing child protective laws. This amendment gives the court discretion to determine in child protective cases in which the court enters a parental rights and responsibilities order whether further reviews of the child protection order are necessary and whether further permanency planning hearings should be held. This amendment gives the court discretion to determine in the same situations whether the appointments of the guardian ad litem and attorneys for the parents should be terminated.

Enacted Law Summary

Public Law 2007, chapter 256 gives the District Court the authority to enter an order upon the request of a parent in a child protection case under the Child and Family Services and Child Protection Act that establishes parental rights and responsibilities in the same manner as permitted in the Maine Revised Statutes, Title 19-A. The department is not a party to any proceeding to modify or terminate the parental rights and responsibilities order unless the court orders otherwise. The department still has the ability to request judicial review under the existing child protective laws. The court has discretion to determine whether further reviews of the child protection order are necessary and whether further permanency planning hearings should be held. Chapter 256 gives the court discretion to determine in the same situations whether the appointments of the guardian ad litem and attorneys for the parents should be terminated.

LD 390 An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases

PUBLIC 257

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON MILLS P	OTP-AM	H-341

LD 390 gives the District Court the authority to determine parentage as part of a child protection proceeding, and that determination is controlling in all subsequent proceedings, including those established in the Maine Revised Statutes, Title 19-A dealing with child custody, child support and similar actions.

Committee Amendment "A" (H-341)

This amendment deletes language concerning the binding effect of a parentage decision made by the District Court in a child protection proceeding.

Enacted Law Summary

Public Law 2007, chapter 257 gives the District Court the authority to determine parentage as part of a child protection proceeding.

Joint Standing Committee on Judiciary

LD 391 Resolve, To Study Adoption Laws and Practices

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM MAJ ONTP MIN	

LD 391 creates the Adoption Laws and Practices Task Force. The task force consists of three Legislators and 14 other members representing various participants in the adoption process. The task force is charged with reviewing all the laws and practices relating to adoption, proposing a revision of the laws and proposing a comprehensive public policy concerning adoption.

Committee Amendment "A" (H-586)

This amendment revises the membership of the task force to consist of a total of 13 members: three Legislators, two members representing adoptees, two members representing birth parents, two members representing adoptive parents, two members representing adoption agencies, one member representing sexual assault victims' services providers and one member representing Probate Courts and probate registers. This task force may establish a non-voting advisory stakeholders group to provide advice to the task force. This amendment also makes revisions consistent with the requirements of Joint Rule 353.

Senate Amendment "A" (S-336)

This amendment strikes the emergency preamble and the emergency clause from the resolve and delays the date by which the task force is first to be convened. (Not adopted)

LD 397 An Act To Limit Liability for the Performance of Community Service

PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-342

Current law limits the liability of charitable organizations for damages caused by a juvenile participating in a supervised work or service program or performing community service. LD 397 extends the limitation of liability to adults participating in such programs and clarifies that the limitation of liability extends to the State and its political subdivisions.

Committee Amendment "A" (H-342)

This amendment deletes from the bill language pertaining to public entities because they are already immune from suit under the Maine Tort Claims Act. It also deletes language concerning "charitable institution" to retain the current law referring to charitable organization as the defined term in the statute.

Enacted Law Summary

Public Law 2007, chapter 275 limits the liability of charitable organizations for damages caused by adults participating in a supervised work or service program or performing community service.

Joint Standing Committee on Judiciary

LD 433 An Act To Amend the Bond Requirements for Estates of Decedents

PUBLIC 154

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	OTP-AM	S-76

LD 433 eliminates the requirement that a personal representative of a decedent's taxable estate obtain a bond to secure the payment of estate taxes if the Judge of Probate finds that any estate tax due is not secured by the State's estate tax lien upon real estate in the decedent's estate, since all property of a decedent of the State is already charged with a lien benefiting the State for all taxes, interest or penalties that are or may become due regardless of whether the property is real or otherwise.

Committee Amendment "A" (S-76)

This amendment replaces the bill. This amendment clarifies that a Probate Court need not require a personal representative of a decedent's estate to give a bond to secure the payment of estate taxes if the Probate Court finds that any estate tax due is secured by the statutory estate tax lien upon real property in the decedent's estate or by other adequate security.

Enacted Law Summary

Public Law 2007, chapter 154 clarifies that a Probate Court need not require a personal representative of a decedent's estate to give a bond to secure the payment of estate taxes if the Probate Court finds that any estate tax due is secured by the statutory estate tax lien upon real property in the decedent's estate or by other adequate security.

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

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-488

LD 461 contains the recommendations of the Human Trafficking Task Force. 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;
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;

Joint Standing Committee on Judiciary

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. 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. 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.

LD 461 is carried over pursuant to Joint Order, HP 1369.

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

CARRIED OVER

Sponsor(s)

BOWMAN

Committee Report

Amendments Adopted

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 469 is carried over pursuant to Joint Order, HP 1369.

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LD 477 An Act To Deter Parental Alienation

ONTP

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

LD 477 requires that a protection order granting relief not be issued with a finding of abuse against the minor child when the protection order is sought on behalf of a minor child and the only evidence of abuse is from one parent of the minor child against the other parent of the minor child.

LD 488 An Act To Amend the Child Support Laws BY REQUEST

PUBLIC 142

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDGECOMB	OTP-AM	H-174

LD 488 amends the child support laws in two ways. First, this bill revises the payment schedule of child support from weekly payments to biweekly payments. Second, it eliminates the requirement that child support be paid during the time the child is living with the child support obligor, as long as that time period is at least seven days.

Committee Amendment "A" (H-174)

This amendment amends the bill to continue to allow child support payments to be scheduled on a weekly basis and adds in the option of payments on a biweekly basis, as proposed by the bill. The amendment deletes section 2 from the bill, which would have allowed changes in child support payments without a modification of the child support order by the court when the child's residence changed for a period of at least seven days.

Enacted Law Summary

Public Law 2007, chapter 142 amends the law to add the option of making child support payments on a biweekly basis.

LD 489 Resolve, To Increase the Authority of the Consumer Protection Division of the Office of the Attorney General

ONTP

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

LD 489 requires the Attorney General to adopt rules to assist consumers in achieving resolution in disputes with businesses when the consumer and the business have reached a solution in mediation and one party changes its position afterwards.

LD 505 An Act To Clarify the Status of a Case following the Establishment of Permanent Guardianship

ONTP

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

Joint Standing Committee on Judiciary

LD 505 clarifies that under the child protection laws a court does not need to review a permanency plan once a child has been placed with a permanency guardian unless a party petitions the court to change the plan.

See also LD 515.

LD 506 An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact ONTP

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

LD 506 removes the statute of limitations for a civil action based upon the complaint of unlawful sexual contact.

See also LD 178.

LD 507 An Act Recognizing Native American Religion in Maine Prisons and Jails CARRIED OVER

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

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.

LD 507 is carried over pursuant to Joint Order, HP 1369.

LD 515 An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship PUBLIC 284

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-176

LD 515 allows a person who served as a child's guardian, permanency guardian or legal custodian at the time of the child's 18th birthday to serve as the child's guardian if the child becomes an incapacitated adult, if the person is not otherwise disqualified from serving in that capacity. LD 515 establishes that income from a permanency guardianship subsidy may not be considered income for the purposes of calculating a child support entitlement or child support obligation nor for the computation of taxable income for resident individuals. LD 515 provides that a child protection case in which a court has made a jeopardy order does not need to be reviewed every six months if a permanency guardian has been established, unless judicial review is petitioned for by a party or specifically ordered by the court. LD 515 also provides that the court's appointments of the guardian ad litem and attorneys for the parties terminate upon appointment of a permanency guardian, unless the court has scheduled a judicial review or orders otherwise.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-176)

This amendment strikes from the bill the section eliminating the consideration of permanency guardianship subsidy payments as gross income for income tax purposes.

Enacted Law Summary

Public Law 2007, chapter 284 allows a person who served as a child's guardian, permanency guardian or legal custodian at the time of the child's 18th birthday to serve as the child's guardian if the child becomes an incapacitated adult, if the person is not otherwise disqualified from serving in that capacity. It also establishes that income from a permanency guardianship subsidy may not be considered income for the purposes of calculating a child support entitlement or child support obligation. Chapter 284 provides that a child protection case in which a court has made a jeopardy order does not need to be reviewed every six months if a permanency guardian has been established, unless judicial review is petitioned for by a party or specifically ordered by the court. The court's appointments of the guardian ad litem and attorneys for the parties terminate upon appointment of a permanency guardian, unless the court has scheduled a judicial review or orders otherwise.

LD 540 **An Act To Authorize a Court To Appoint Counsel in Protection from Abuse Hearings** ONTP

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

LD 540 allows a court to appoint an attorney at the State's expense for an indigent defendant in a protection from abuse hearing if the defendant has other matters before a court or government agency that may be prejudiced by an adverse ruling in the protection from abuse hearing.

LD 552 **An Act To Provide for Punitive Damages against Sex Offenders** ONTP

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

LD 552 requires a court to award punitive damages to a victim of a gross sexual assault if the victim sues the defendant for the gross sexual assault and presents a certified copy of the conviction to the court.

LD 580 **An Act To Provide for Punitive Damages against Drunk Drivers** ONTP

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

LD 580 requires a court to award punitive damages to a person injured in a motor vehicle accident in which the negligent party was convicted of operating under the influence if the person presents a certified copy of the conviction to the court.

Joint Standing Committee on Judiciary

LD 581 An Act To Amend the Laws Pertaining to Improvident Transfers

ONTP

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

LD 581 increases from 60 years of age to 65 years of age the earliest age at which a person who is dependent on others must be represented by independent counsel to avoid a presumption of undue influence when that person transfers real or personal property or money for less than full consideration or execution of a guaranty.

**LD 583 An Act To Permit Medical and Social Service Professionals To Report
Animal Cruelty**

PUBLIC 140

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-172

LD 583 gives those professionals who are already mandated reporters of adult or child abuse, neglect or exploitation and social service agencies under contract with the Department of Health and Human Services the option of also disclosing such limited confidential information related to a reasonable suspicion of animal cruelty, abuse or neglect as would be needed by a local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources to begin an investigation. LD 583 bill extends the existing good faith immunity provision to the reporters of animal cruelty, abuse or neglect that are social service agencies under contract with the Department of Health and Human Services. In addition, LD 583 permits employees of the Department of Health and Human Services to disclose the same information to local animal control officers or to the animal welfare program of the Department of Agriculture, Food and Rural Resources.

Committee Amendment "A" (H-172)

This amendment clarifies that the immunity provided for good faith reporting that is established in the Maine Revised Statutes, Title 34-B is available as a defense to any civil or criminal action brought against a reporter of animal cruelty, abuse or neglect. Because the reporting is permissive, this amendment deletes the requirement that a report must be made as soon as possible when an immediate response is judged to be necessary.

Enacted Law Summary

Public Law 2007, chapter 140 gives those professionals who are already mandated reporters of adult or child abuse, neglect or exploitation and social service agencies under contract with the Department of Health and Human Services the option of also disclosing such limited confidential information related to a reasonable suspicion of animal cruelty, abuse or neglect as would be needed by a local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources to begin an investigation. The existing good faith immunity provision is extended to the reporters of animal cruelty, abuse or neglect that are social service agencies under contract with the Department of Health and Human Services. In addition, employees of the Department of Health and Human Services are permitted to disclose the same information to local animal control officers or to the animal welfare program of the Department of Agriculture, Food and Rural Resources.

Joint Standing Committee on Judiciary

LD 584 An Act Concerning Animal Control Officers as Reporters of Abuse

PUBLIC 139

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-173

LD 584 adds animal control officers to the list of professionals who are mandated to report suspected cases of abuse of children and incapacitated or dependent adults.

Committee Amendment "A" (H-173)

This amendment replaces the bill. It allows municipal animal control officers to report suspected adult abuse, neglect or exploitation and suspected child abuse or neglect.

Enacted Law Summary

Public Law 2007, chapter 139 allows municipal animal control officers to report suspected adult abuse, neglect or exploitation and suspected child abuse or neglect.

**LD 588 An Act To Allow Civil Penalties for Trespass while Engaging in
Activities Regulated by Inland Fisheries and Wildlife**

PUBLIC 334

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT M	OTP-AM	H-375

LD 588 establishes a civil trespass law for those involved with activities regulated or requiring licensure by the Maine Revised Statutes, Title 12, Part 13. The "foreign object" provision clarifies the scope of the prohibition on trespass for conservation law purposes. LD 588 also makes commission of this violation grounds for mandatory revocation of a hunting or fishing license or permit.

Committee Amendment "A" (H-375)

This amendment replaces the term "foreign object" with the term "projectile," which is similar to the concept used in Florida statutes to cover instances of trespass. "Projectile" means a bullet, pellet, shot, shell, ball, arrow, bolt or other object propelled or launched from any firearm or a bow, crossbow or similar tensile device. This amendment makes the new violation consistent with the Maine Revised Statutes, Title 12, Part 13 standard that a civil violation becomes a Class E crime if there are at least three prior adjudications of civil violations under that Part. This amendment deletes the section of the bill that made the commission of the new civil violation of civil trespass grounds for mandatory revocation of a hunting or fishing license or permit.

Enacted Law Summary

Public Law 2007, chapter 334 establishes a civil trespass law for those involved with activities regulated or requiring licensure by the Maine Revised Statutes, Title 12, Part 13. The law includes causing a projectile to enter or remain in any place illegally. The "foreign object" provision clarifies the scope of the prohibition on trespass for conservation law purposes. Chapter 334 is consistent with the Maine Revised Statutes, Title 12, Part 13 standard that a civil violation becomes a Class E crime if there are at least three prior adjudications of civil violations under that Part.

Joint Standing Committee on Judiciary

LD 602 An Act To Clarify Confidentiality in Child Protective Proceedings

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM MAJ OTP-AM MIN	S-303

LD 602 allows the release of child protective information to a parent, custodian, caretaker or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. LD 602 allows that parent, custodian, caretaker or legal guardian to release that information to any person and for any purpose. LD 602 removes the designation of confidentiality that applies to the proceedings, records and conclusions of the child death serious injury review panel. LD 602 requires courts in child protective proceedings to allow into the proceedings a person designated by a parent, custodian, caretaker or legal guardian.

Committee Amendment "B" (S-304)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment allows the release of child protective information to a parent, custodian, caretaker or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. The amendment allows that parent, custodian, caretaker or legal guardian to release that 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 the current child protective action. The amendment permits courts in child protective proceedings to allow into the proceedings a person designated by a parent, custodian, caretaker or legal guardian as long as no objection is raised by the child or other parties and that presence is not detrimental to any of the other parties. Any person present in the court must abide by the rules of the court.

This amendment directs the Commissioner of Health and Human Services to submit the amended Maine State Plan for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved. (Not adopted)

Committee Amendment "A" (S-303)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment allows the release of child protective information to a parent or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. The amendment allows that parent or legal guardian to release that 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 the current child protective action. This amendment directs the Commissioner of Health and Human Services to submit the amended Maine State Plan for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved.

Enacted Law Summary

Public Law 2007, chapter 335 allows the release of child protective information to a parent or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. That parent or legal guardian may release that 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 the current child protective action. The Commissioner of Health and Human Services will submit the amended Maine State Plan, which will include the new disclosure provisions, for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved.

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

CARRIED OVER

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

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 608 is carried over pursuant to Joint Order, HP 1369.

LD 628 An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights

PUBLIC 164

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

LD 628 is a recommendation of the Family Law Advisory Commission. LD 628 addresses situations in which the Department of Health and Human Services initiates a paternity action and the court establishes an initial allocation of parental rights and responsibilities. Under current law, a parent interested in changing that allocation must file a new complaint in District Court. LD 628 allows a parent or other party to file a motion to modify the allocation as part of the paternity case rather than requiring the filing of a new court action.

Enacted Law Summary

Public Law 2007, chapter 164 is a recommendation of the Family Law Advisory Commission. It addresses situations in which the Department of Health and Human Services initiates a paternity action and the court establishes an initial allocation of parental rights and responsibilities. Under current law, a parent interested in changing that allocation must file a new complaint in District Court. Chapter 164 allows a parent or other party to file a motion to modify the allocation as part of the paternity case rather than requiring the filing of a new court action.

LD 659 An Act To Establish a Mediation Process for Landlord-tenant Disputes

PUBLIC 246

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WAGNER	OTP-AM	H-343

LD 659 requires mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial and provides a good cause exception process. LD 659 requires the Court Alternative Dispute Resolution Service to provide the mediators for the mediations. LD 659 directs the Supreme Judicial Court to adopt rules for fees and of procedure for landlord-tenant mediation.

Committee Amendment "A" (H-343)

This amendment replaces the bill, which required mediation in all forcible entry and detainer actions. This amendment allows the court to order mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial. The Court Alternative Dispute Resolution Service will provide the mediators for the mediations. The amendment allows the Supreme Judicial Court to adopt rules of procedure for landlord-tenant mediation.

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The Supreme Judicial Court may increase filing fees to pay for mediation. This amendment clarifies that the provisions of the bill apply to forcible entry and detainer when used in mobile home evictions. This amendment requires the Court Alternative Dispute Resolution Service to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2009 about the efficiency and use of the mediation program.

This amendment establishes an effective date of January 1, 2008.

Enacted Law Summary

Public Law 2007, chapter 246 allows the court to order mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial. The Court Alternative Dispute Resolution Service will provide the mediators for the mediations. The Supreme Judicial Court may adopt rules of procedure for landlord-tenant mediation, and may increase filing fees to pay for mediation. The mediation provisions also apply to forcible entry and detainer when used in mobile home evictions. The Court Alternative Dispute Resolution Service will report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2009 about the efficiency and use of the mediation program.

Public Law 2007, chapter 246 is effective January 1, 2008.

LD 681 An Act Concerning the Examination of Persons in Protective Custody

PUBLIC 178

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

Current law requires that a law enforcement officer who seeks to have a person involuntarily committed to a mental health hospital on an emergency basis must have that person examined by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist for the purpose of determining whether that person poses a likelihood of serious harm. A related section of law says that this examination may be performed only by a licensed physician or a licensed clinical psychologist if the examination is performed outside a hospital emergency room. LD 681 allows the examination to be performed by any of the health care professionals authorized to conduct such examinations, whether the examination is performed in a hospital emergency room or elsewhere.

Enacted Law Summary

Public Law 2007, chapter 178 provides that the examination of a person recommended for involuntary commitment may be conducted by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist for the purpose of determining whether that person poses a likelihood of serious harm, regardless of whether the examination takes place in a hospital emergency room or elsewhere.

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

CARRIED OVER

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

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

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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 684 is carried over pursuant to Joint Order, HP 1369.

LD 685 An Act To Amend the Maine Human Rights Act

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-162

LD 685 amends the Maine Human Rights Act to correct typographical errors, clarify the protections of the act, make certain Maine Human Rights Commission records confidential and prohibit unreasonable housing practices that have a disparate impact on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments.

Committee Amendment "A" (S-162)

This amendment deletes section 2 of the bill, which amends the law concerning unlawful housing discrimination to include the refusal to furnish rental premises or public accommodations to an individual receiving federal, state or local public assistance because of any requirement of that public assistance program.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2007, chapter 243 amends the Maine Human Rights Act to correct typographical errors, clarify the protections of the act, make certain Maine Human Rights Commission records confidential and prohibit unreasonable housing practices that have a disparate impact on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments.

LD 708 An Act To Amend the Laws Concerning the Emancipation of Minors BY REQUEST

ONTP

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

LD 708 repeals the laws that allow a minor 16 years of age or older to petition the court to be emancipated.

Joint Standing Committee on Judiciary

LD 709 An Act To Amend the Accord and Satisfaction Laws To Add Juveniles BY REQUEST

PUBLIC 277

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW	OTP-AM	S-163

LD 709 extends the application of the accord and satisfaction provisions in the criminal laws to certain juvenile offenses.

Committee Amendment "A" (S-163)

The bill extends the opportunity for an accord and satisfaction to juvenile cases. This amendment limits the judge's ability to stay further proceedings and discharge a juvenile defendant under the accord and satisfaction law to only those juveniles who have not previously been adjudicated of a juvenile crime or have not previously been the subject of a juvenile petition that was disposed of by accord and satisfaction under that law.

Enacted Law Summary

Public Law 2007, chapter 277 extends the opportunity for an accord and satisfaction to juvenile cases, but only to those juveniles who have not previously been adjudicated of a juvenile crime or have not previously been the subject of a juvenile petition that was disposed of by accord and satisfaction under that law.

LD 714 An Act To Promote Efficiency in the District Court

ONTP

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

LD 714 is a concept draft pursuant to Joint Rule 208. It proposes to promote efficiency in the District Court by requiring the court to limit the extent and means of discovery in protection from harassment cases to ensure that such cases remain summary proceedings.

LD 756 An Act To Enhance and Clarify the Small Claims System BY REQUEST

ONTP

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

LD 756 makes changes in the small claims procedures. First, it requires the court to record all small claims hearings. Second, it prohibits the court from requiring that a transcript or record be submitted in any related proceeding or appeal if the party was given leave to proceed in forma pauperis unless the court has waived the fees related to the preparation of the transcript or record.

LD 779 An Act To Remove Clergy as Signatories on Marriage Licenses

ONTP

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

Joint Standing Committee on Judiciary

LD 779 removes the authorization of clergy members to solemnize marriages.

LD 809 An Act To Amend the Adverse Possession Law ONTP

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

LD 809 amends the adverse possession law and makes it consistent with the original intent of the Legislature and with the holding of *Dombkowski v. Ferland*, 2006 ME 24.

LD 843 An Act To Provide Immunity from Tort Claims against the State of New Hampshire Department of Transportation when Performing Maintenance Operations within the State of Maine ONTP

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

LD 843 limits claims brought in Maine courts against the State of New Hampshire for damages resulting from the maintenance, construction, cleaning, clearing and repair of public highways, state-owned railroads and other public transportation facilities. LD 843 limits damage awards to the cap on liability that would apply to the State of New Hampshire if the claim had been brought in New Hampshire. The limitation on a recovery may not be less than the tort liability limit expressed in the Maine Revised Statutes, Title 14, section 8105. A similar bill did not pass in New Hampshire.

LD 857 An Act To Create A Medical Malpractice Study Group CARRIED OVER

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

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.

LD 857 is carried over pursuant to Joint Order, HP 1369.

LD 866 An Act To Amend the Wrongful Death Laws PUBLIC 280

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAIRCLOTH	OTP-AM	H-344

LD 866 increases the cap on wrongful death noneconomic damages from \$400,000 to \$600,000 and requires adjustments in the future, tied to the Consumer Price Index. LD 866 also requires the court to inform the jury about the statutory caps on both noneconomic and punitive damages if either or both are sought in a wrongful death action.

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Committee Amendment "A" (H-344)

This amendment sets the cap on noneconomic damages for wrongful death at \$500,000, a reduction of \$100,000 from the cap contained in the bill. This amendment deletes the proposed language relating to indexing the cap on wrongful death damages and informing the jury of the damage cap.

Enacted Law Summary

Public Law 2007, chapter 280 increases the cap on wrongful death noneconomic damages from \$400,000 to \$500,000.

LD 867 An Act To Implement the Recommendations of a Joint Task Force on PUBLIC 228
Fraudulent Uniform Commercial Code Filings as Adopted by the
National Association of Secretaries of State and the International
Association of Commercial Administrators

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM	H-242

LD 867 implements the recommendations of the Joint Task Force on Fraudulent UCC Filings as adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators to provide a remedy to a person who has been adversely affected by the filing of a lien against the person's personal property by an unauthorized filer.

Committee Amendment "A" (H-242)

This amendment establishes a separate crime in the Maine Criminal Code of falsely filing a recordable instrument as a Class D crime. This new crime addresses the problem of persons filing false or spurious documents in public registries, such as those maintained by the registries of deeds or probate and the Office of the Secretary of State, with the intent to defraud, harass or intimidate. This amendment amends the bill to cross-reference the new crime, rather than establishing the crime in the Maine Revised Statutes, Title 5.

Enacted Law Summary

Public Law 2007, chapter 228 implements the recommendations of the Joint Task Force on Fraudulent UCC Filings as adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators to provide a remedy to a person who has been adversely affected by the filing of a lien against the person's personal property by an unauthorized filer. A separate crime is established in the Maine Criminal Code of falsely filing a recordable instrument as a Class D crime. This new crime addresses the problem of persons filing false or spurious documents in public registries, such as those maintained by the registries of deeds or probate and the Office of the Secretary of State, with the intent to defraud, harass or intimidate.

LD 868 An Act To Amend the Civil Foreclosure Laws PUBLIC 103

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

LD 868 amends the laws governing civil action foreclosure to require that the judgment of foreclosure entered by the court and evidence of compliance with the notice and public sale requirements be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

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Enacted Law Summary

Public Law 2007, chapter 103 amends the laws governing civil action foreclosure to require that the judgment of foreclosure entered by the court and evidence of compliance with the notice and public sale requirements be attached to or included within the deed, or both, or otherwise be recorded in the registry of deeds.

LD 882 An Act To Create a 10-year Statute of Limitations for Certain Environmental Violations

PUBLIC 337

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	OTP-AM	S-202

LD 882 requires enforcement actions for violations of environmental laws to be brought by the Department of Environmental Protection or the Attorney General within five years of the date of knowledge by the department or the Attorney General of the violation.

Committee Amendment "A" (S-202)

This amendment replaces the bill. It requires certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General's Office within 10 years of the date that the licensee reported the violation to the department.

Enacted Law Summary

Public Law 2007, chapter 337 requires certain enforcement actions related to air emissions and wastewater discharges to be initiated by the Department of Environmental Protection or the Attorney General's Office within 10 years of the date that the licensee reported the violation to the department.

LD 889 An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices

PUBLIC 57

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

LD 889 adds the installation of over-the-air reception devices such as satellite dishes, television antennae and wireless cable antennae to the laws governing the installation of cable television equipment in apartment buildings.

Enacted Law Summary

Public Law 2007, chapter 57 includes the installation of over-the-air reception devices such as satellite dishes, television antennae and wireless cable antennae in the laws governing the installation of cable television equipment in apartment buildings.

LD 960 An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value

DIED IN CONCURRENCE

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GILES	OTP-AM MAJ ONTP MIN	H-434

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LD 960 establishes the criteria for determination of compensation for loss or impairment of the going concern value of a business when the property of a business is taken by the Department of Transportation or a municipality exercising its eminent domain power. The burden is on the business to prove the loss. The analysis takes place at the request of the owner of the displaced business. LD 960 amends the duties of the State Claims Commission to include determination of just compensation in two categories of municipal condemnations: general eminent domain authority under the Maine Revised Statutes, Title 30-A, chapter 151 and community development under Title 30-A, chapter 205.

Committee Amendment "A" (H-434)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds a mandate preamble, and an appropriations and allocations section. This amendment adds an application section to provide that the bill applies to a taking of property that displaces a business for which a notice of condemnation is filed on or after January 1, 2008.

House Amendment "A" (H-471)

This amendment removes provisions from Committee Amendment "A" that apply to compensation to be paid by municipalities when exercising eminent domain authority. This amendment also amends the criteria established in the bill for determination of compensation to be paid by the State when the Department of Transportation exercises eminent domain to apply to the displacement of a business established for more than three years that is located on land that is the subject of the proceedings or on adjoining land if that business owns the land that is the subject of the proceedings. (Not adopted)

LD 988 An Act To Improve the Protection from Abuse Laws

PUBLIC 340

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON HOBBINS	OTP-AM	H-376

LD 988 allows current and former dating partners, whether or not sexual partners, and stalking and sexual assault victims to seek relief under the protection from abuse laws.

Committee Amendment "A" (H-376)

This amendment clarifies that the alleged conduct on which a protection from abuse order may be based includes stalking as set out in the Maine Criminal Code, which is referenced in the Maine Revised Statutes, Title 19-A, section 4005, subsection 1, as amended in the bill.

Enacted Law Summary

Public Law 2007, chapter 340 allows current and former dating partners, whether or not sexual partners, and stalking and sexual assault victims to seek relief under the protection from abuse laws.

LD 989 An Act To Extend Parental Support Obligations for College Students

ONTP

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

LD 989 extends the child support obligation beyond high school if the child attends an institution of higher education until the child graduates, withdraws or is expelled from that or another institution of higher education

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or reaches 22 years of age, whichever occurs first. The child must be a full-time student and must have begun attending the institution of higher education within six months of graduating from high school. Child support may be paid directly to the institution of higher education. The definition of "institution of higher education" is that used in Title IV of the federal Higher Education Act.

LD 1011 An Act To Enhance Child Support Collections in Maine

**PUBLIC 206
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN	OTP-AM	S-112

LD 1011 specifies that a snowmobile registration, an ATV registration and a second or subsequent motor vehicle registration may not be issued to a person who has defaulted on a child support order or must be revoked by the issuing agency.

Committee Amendment "A" (S-112)

This amendment replaces the bill. It retains the original purpose of revoking or prohibiting the issuance or renewal of a snowmobile registration or ATV registration for a person who has been certified as failing to comply with a child support order. It requires the Commissioner of Inland Fisheries and Wildlife to provide information about watercraft, snowmobile and ATV registrants to allow the Department of Health and Human Services to identify those registrants who are not in compliance with child support orders.

Enacted Law Summary

Public Law 2007, chapter 206 allows for the revocation or prohibition on issuance or renewal of a snowmobile registration or ATV registration for a person who has been certified as failing to comply with a child support order. It requires the Commissioner of Inland Fisheries and Wildlife to provide information about watercraft, snowmobile and ATV registrants to allow the Department of Health and Human Services to identify those registrants who are not in compliance with child support orders.

Public Law 2007, chapter 206 was enacted as an emergency measure effective June 4, 2007.

LD 1027 An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act

**PUBLIC 385
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-248

LD 1027 amends the definition of "physical or mental disability" in the Maine Human Rights Act to mean a condition that substantially limits one or more major life activities, making the definition consistent with federal law and returning the definition to the one used by the Maine Human Rights Commission before the Maine Supreme Judicial Court's decision, *Whitney v. Wal-Mart Stores, Inc.*, 2006 ME 37.

Committee Amendment "A" (S-248)

This amendment replaces the bill and adopts a new definition of "physical or mental disability." A physical or mental impairment qualifies as a physical or mental disability under the Maine Human Rights Act if it:

This amendment adds to the construction provisions of the Maine Human Rights Act a rule of construction that directs that the definition of "physical or mental disability" in the Act is to be interpreted broadly to create greater coverage than under the federal Americans with Disabilities Act of 1990. This amendment provides that rules

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adopted by the Maine Human Rights Commission to implement the new definition of "physical or mental disability" are major substantive rules and therefore require review by the Legislature before being finally adopted.

This amendment adds an emergency preamble and emergency clause to make the changes take effect immediately.

Enacted Law Summary

Public Law 2007, chapter 385 adopts a new definition of "physical or mental disability." A physical or mental impairment qualifies as a physical or mental disability under the Maine Human Rights Act if it:

1. Substantially limits one or more of a person's major life activities;
2. Significantly impairs physical or mental health; or
3. Requires special education, vocational rehabilitation or related services.

The definition includes a list of specific physical or mental impairments that qualify as physical or mental disabilities. "Physical or mental disability" includes an individual with a record of physical or mental disability, as defined. It also includes an individual who is regarded as having or likely to develop any of the conditions within the definition of "physical or mental disability." The existence of a physical or mental disability is determined without regard to the ameliorative effects of mitigating measures such as medication, auxiliary aids or prosthetic devices. Also included is a list of conditions that are not included as physical or mental disabilities.

Chapter 385 adds to the construction provisions of the Maine Human Rights Act a rule of construction that directs that the definition of "physical or mental disability" in the Act is to be interpreted broadly to create greater coverage than under the federal Americans with Disabilities Act of 1990. Chapter 385 provides that rules adopted by the Maine Human Rights Commission to implement the new definition of "physical or mental disability" are major substantive rules and therefore require review by the Legislature before being finally adopted.

Public Law 2007, chapter 385 was enacted as an emergency measure effective June 21, 2007.

LD 1029 An Act To Create the Maine Spyware Prevention Act

ONTP

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

LD 1029 creates the Maine Spyware Prevention Act, which is modeled after California and Illinois legislation. The bill protects consumers against the illegal use of computer software known as spyware.

LD 1048 An Act To Provide Greater Permanency for Children in Child Protection Proceedings

ONTP

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

LD 1048 gives the District Court jurisdiction over adoptions that follow the termination of parental rights in child protection cases. The Probate Court continues to have jurisdiction over these adoptions.

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LD 1084 An Act To Provide Adult Adoptees Access to Their Original Birth Certificates

PUBLIC 409

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARRINGTON SHERMAN	ONTP MAJ OTP-AM MIN	H-601

LD 1084 establishes a process by which an adult adopted person may obtain a copy of that person's original, unaltered birth certificate. LD 1084 also allows a birth parent to include with the child's original birth certificate a form that indicates whether the parent wishes to be contacted by the child and a medical history form.

Committee Amendment "A" (H-601)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment revises one of the choices that a birth parent can indicate on the contact preference form to "Do not contact me."

Senate Amendment "A" (S-340)

This amendment changes the minimum age at which an adopted person may obtain a copy of that person's birth certificate from 18 to 21. (Not adopted)

Senate Amendment "C" (S-344)

This amendment makes the bill's provision that permits adoptees to have access to their birth certificates apply to original birth certificates of persons whose adoptions are finalized on or after January 1, 2009. (Not adopted)

Enacted Law Summary

Public Law 2007, chapter 409 establishes a process by which an adult adopted person may obtain a copy of that person's original, unaltered birth certificate. It also allows a birth parent to include with the child's original birth certificate a form that indicates whether the parent wishes to be contacted by the child and a medical history form.

Public Law 2007, chapter 409 takes effect January 1, 2009.

LD 1117 An Act To Amend the Charter of the Somerset Woods Trustees

P & S 14

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

LD 1117 clarifies that the Somerset Woods Trustees corporation has the right to sell, barter and convey any real estate it may hold in the corporation's name. LD 1117 also removes the limitation as to where the corporation may use the proceeds derived from property owned by the corporation.

Enacted Law Summary

Private and Special Law 2007, chapter 14 clarifies that the Somerset Woods Trustees corporation has the right to sell, barter and convey any real estate it may hold in the corporation's name. Chapter 14 also removes the limitation as to where the corporation may use the proceeds derived from property owned by the corporation.

Joint Standing Committee on Judiciary

**LD 1119 An Act To Permit Mental Health Professionals To Disclose Risks to
People Likely To Be Harmed by a Patient**

PUBLIC 310

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	S-189

LD 1119 addresses conflicting confidentiality and reporting requirements imposed on mental health professionals who know or have reason to know that a client poses a danger of inflicting harm on a person. LD 1119 provides that a licensed mental health professional may disclose information about the mental or medical status of a client to those who may be affected by the client's conduct to the extent that such information is reasonably necessary to protect any person from risk of harm. It also provides that the mental health professional is required to provide information about the danger to persons who have the responsibility of the care and custody of the client.

Committee Amendment "A" (S-189)

This amendment replaces the bill but carries out the original intent to allow a mental health professional to disclose protected health information about a patient when necessary to avert a serious and imminent threat to health or safety if the disclosure is made in good faith and to a person who is reasonably able to prevent or minimize the threat. It also allows a mental health professional to disclose a client's mental health information to a family member, to another relative, to a close personal friend or caretaker or to anyone identified by the client in circumstances consistent with disclosure under the federal Health Insurance Portability and Accountability Act. This amendment repeals the designation as a Class D crime for violations and instead provides that a violation of the section subjects a mental health professional to the disciplinary procedures under the regulatory requirements for that profession.

Enacted Law Summary

Public Law 2007, chapter 310 allows a mental health professional to disclose protected health information about a patient when necessary to avert a serious and imminent threat to health or safety if the disclosure is made in good faith and to a person who is reasonably able to prevent or minimize the threat. It also allows a mental health professional to disclose a client's mental health information to a family member, to another relative, to a close personal friend or caretaker or to anyone identified by the client in circumstances consistent with disclosure under the federal Health Insurance Portability and Accountability Act. Chapter 310 repeals the designation as a Class D crime for violations and instead provides that a violation of the section subjects a mental health professional to the disciplinary procedures under the regulatory requirements for that profession.

LD 1125 An Act To Amend the Maine Liquor Liability Act

**ACCEPTED ONTP
REPORT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAUTIGAM	ONTP MAJ OTP-AM MIN	

LD 1125 extends the 180-day notice provision to one year in the Maine Liquor Liability Act.

Committee Amendment "A" (H-537)

This amendment is a minority report of the Joint Standing Committee on Judiciary. This amendment clarifies that the extension of the 180-day notice period for good cause shown includes, but is not limited to, the plaintiff's inability to access law enforcement investigative information concerning the time, place and circumstances relating

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to the conduct of the person who served liquor.

LD 1126 An Act To Clarify the Status of Subsidy Payments to Guardians

ONTP

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

LD 1126 establishes that income from a permanency guardianship subsidy may not be considered income for the purposes of calculating a child support entitlement or child support obligation or for the computation of taxable income for resident individuals.

See also LD 515.

LD 1138 An Act To Prohibit Maine from Participating in the Federal REAL ID Act of 2005

PUBLIC 251

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LANSLEY MITCHELL	OTP-AM MAJ ONTP MIN	H-304

LD 1138 prohibits the State from participating in a national identification card system.

Committee Amendment "A" (H-304)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment changes the title and the text of the bill to specifically refer to the federal REAL ID Act of 2005, which was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13.

Enacted Law Summary

Public Law 2007, chapter 251 prohibits the State from participating in the federal REAL ID Act of 2005, which was enacted as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, Public Law 109-13.

LD 1140 An Act To Improve Efficiency in the Courts

ACCEPTED ONTP
REPORT

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

LD 1140 allows the proprietor or authorized employee of a sole proprietorship or a member, manager or authorized employee of a limited liability company who is not an attorney to represent the organization in an action involving the process of forcible entry and detainer.

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LD 1141 An Act To Ensure Basic Rights of Judicial Employees

ONTP

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

LD 1141 provides that plans, arrangements and files involving court security matters may be provided to a certified bargaining agent of Judicial Department employees.

LD 1156 An Act To Protect Owners and Occupiers of Homes from Civil Liability

PUBLIC 315

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CEBRA SNOWE-MELLO	OTP-AM	H-396

LD 1156 immunizes from civil liability an owner, occupier or resident of a home, including a guest, from any death, personal injury or property damage that results from protecting the home or its residents from a person unlawfully present in or attempting to enter the home.

Committee Amendment "A" (H-396)

This amendment replaces the bill. The Maine Criminal Code provides for a defense of premises justification for the use of different degrees of force in specific circumstances. This amendment provides for a defense of premises defense in a civil action if the person used the degree of force that is justified in the specific circumstances under the Maine Criminal Code.

Enacted Law Summary

The Maine Criminal Code provides for a defense of premises justification for the use of different degrees of force in specific circumstances. Public Law 2007, chapter 315 provides for a defense of premises defense in a civil action if the person used the degree of force that is justified in the specific circumstances under the Maine Criminal Code.

LD 1207 An Act To Amend the Mechanics Lien Laws

ONTP

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

LD 1207 is a concept draft pursuant to Joint Rule 208. LD 1207 proposes to amend the current law to separate the issues of placing a lien for nonpayment of services provided and placing a lien for improper workmanship.

**LD 1212 An Act To Exempt Nurse Practitioners and Physician Assistants in
Active Patient Care from Jury Service**

ONTP

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

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LD 1212 exempts from jury service nurse practitioners and physician assistants providing active patient care.

See also LD 1629.

LD 1213 An Act To Establish Spousal Support Guidelines

ONTP

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

LD 1213 is a concept draft pursuant to Joint Rule 208. LD 1213 proposes to establish guidelines for the calculation of spousal support. The guidelines would allow the court to exercise discretion in setting aside the guidelines in exceptional circumstances or to take into account unique facts. The intent of the legislation is to assist litigants and practitioners in arriving at a fair, equitable spousal support figure based upon both parties' gross and net income, child support and tax situation.

LD 1231 An Act To Serve the Best Interests of Children in Divorce

ONTP

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

LD 1231 is a concept draft pursuant to Joint Rule 208. LD 1231 would enact measures to ensure that the best interests of children are served in divorce. The bill was introduced to address child support based on substantially equal parenting.

LD 1258 An Act To Clarify the Laws Governing Landowner Liability

PUBLIC 260

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

LD 1258 clarifies existing law to ensure that a landowner is not liable for the actions of a recreational user of the land, whether those actions have an impact on the landowner's property or property of another.

Enacted Law Summary

Public Law 2007, chapter 260 clarifies existing law to ensure that a landowner is not liable for the actions of a recreational user of the land, whether those actions have an impact on the landowner's property or property of another.

LD 1263 Resolve, To Continue the Tribal-State Work Group

RESOLVE 142
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLANCHARD	OTP-AM	H-395 S-370 ROTUNDO

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LD 1263 establishes the Tribal-State Work Group to continue the work of the body created by Executive Order 19 FY 06/07. The work group is charged with examining potential changes to An Act to Implement the Maine Indian Claims Settlement and other issues affecting tribal-state relations. It is required to report its findings to the Legislature, Governor and Wabanaki Tribes by January 2, 2008.

Committee Amendment "A" (H-395)

This amendment changes the reporting date to December 5, 2007 and deletes superfluous extension language. This resolve as amended includes a legislative study that is inconsistent with Joint Rule 353 but is being reported out of committee with prior approval of the Legislative Council as provided in Joint Rule 353.

Senate Amendment "A" (S-370)

This amendment reduces the General Fund appropriation and clarifies that the funding goes to the Maine Indian Tribal-State Commission program.

Enacted Law Summary

Resolve 2007, chapter 142 establishes the Tribal-State Work Group to continue the work of the body created by Executive Order 19 FY 06/07. The work group is charged with examining potential changes to AN ACT to Implement the Maine Indian Claims Settlement and other issues affecting tribal-state relations. It is required to report its findings to the Legislature, Governor and Wabanaki Tribes by December 5, 2007.

Resolve 2007, chapter 142 was enacted as an emergency measure effective June 29, 2007.

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

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

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 1271 is carried over pursuant to Joint Order, HP 1369.

LD 1335 An Act To Minimize the Litigation Costs to Municipalities Associated with Property Tax Assessment Appeals ONTP

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

LD 1335 requires a property owner to pay the reasonable costs and attorney's fees of a successful defense to an appeal of a property assessment if the municipality's assessment on the property for a different year had been previously upheld by a court.

LD 1348 An Act To Amend the Maine Tort Claims Act CARRIED OVER

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

Joint Standing Committee on Judiciary

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

LD 1348 is carried over pursuant to Joint Order, HP 1369.

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

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

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.

LD 1349 is carried over pursuant to Joint Order, HP 1369.

LD 1372 An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act **PUBLIC 457**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-303

LD 1372 increases the caps on damages in actions brought under the Maine Human Rights Act.

Committee Amendment "A" (H-303)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2007, chapter 457 increases the caps on damages in actions brought under the Maine Human Rights Act.

LD 1388 An Act To Prohibit Attorneys from Litigating Child Custody Cases in the Same District in Which They Serve as Guardians Ad Litem **ONTP**

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

LD 1388 prohibits an attorney who is appointed guardian ad litem in a district court or probate court from representing a client in a child custody case in the same district court or probate court.

LD 1415 An Act Regarding the Right of a Person To Appeal from the Action of a State Agency **ONTP**

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

LD 1415 provides that a person who is aggrieved by any preliminary, procedural, intermediate or other nonfinal action of a state agency is entitled to judicial review of that action in the Superior Court. It also provides that a

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decision by the Board of Environmental Protection to dismiss a petition submitted under the Maine Revised Statutes, Title 38, section 341-D, subsection 5 must be accompanied by written findings of fact and an order that may be appealed by the petitioner to the Superior Court.

LD 1423 An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens ONTP

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

LD 1423 requires a plaintiff in a civil case who receives punitive or exemplary damages to distribute 25% of those damages to a statewide nonprofit organization devoted exclusively to law-related charitable work for the purpose of funding access to justice programs.

LD 1453 Resolve, Regarding the Privacy of Social Security Numbers ONTP

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

LD 1453 requires the Department of Administrative and Financial Services to develop a plan allowing the State, a political subdivision, a private business or other person to request but not require a social security number from a person, except for necessary uses such as for tax, paternity, child support enforcement or credit reporting matters, and prohibits penalizing persons for refusing to give their social security numbers.

LD 1505 An Act To Adopt the Revised Uniform Anatomical Gift Act CARRIED OVER

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

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.

LD 1505 is carried over pursuant to Joint Order, HP 1369.

LD 1524 An Act To Increase Judicial Salaries CARRIED OVER

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

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 1524 is carried over pursuant to Joint Order, HP 1369.

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

CARRIED OVER

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

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.

LD 1540 is carried over pursuant to Joint Order, HP 1369.

LD 1541 An Act To Improve Child Support Services

PUBLIC 365

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM MAJ OTP-AM MIN	H-538

LD 1541 adds language necessary to comply with requirements set out in the federal Deficit Reduction Act of 2005, which now requires Maine to impose an annual service fee in each case in which an individual has never received assistance under a state program and from which child support collections total over \$500 in a year.

Committee Amendment "A" (H-538)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds a fiscal note.

Committee Amendment "B" (H-539)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment requires gambling facilities operating slot machines to offset gambling winnings in a similar fashion as the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations must when an individual wins the lottery for the purpose of collecting child support debts prior to dispersing winnings to a child support obligor. (Not adopted)

Enacted Law Summary

Public Law 2007, chapter 365 adds language necessary to comply with requirements set out in the federal Deficit Reduction Act of 2005, which now requires Maine to impose an annual service fee in each case in which an individual has never received assistance under a state program and from which child support collections total over \$500 in a year.

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LD 1542 An Act To Limit the Liability of Organized Clubs

PUBLIC 366

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON	OTP-AM	H-377

LD 1542 amends the definition of "charitable organization," to which immunity from civil liability applies, to include nonprofit organizations that qualify as charitable organizations under Section 501(c)(7), which applies to social and recreational clubs, of the United States Internal Revenue Code.

Committee Amendment "A" (H-377)

This amendment deletes from the bill the addition of a reference to nonprofit organizations qualified under the Internal Revenue Code, Section 501(c)(7) and adds a reference to veterans' posts organizations qualified under Section 501(c)(19).

Enacted Law Summary

Public Law 2007, chapter 366 amends the definition of "charitable organization," to which immunity from civil liability applies, to include nonprofit organizations that are veterans' posts organizations qualified under the Internal Revenue Code, Section 501(c)(19).

LD 1576 An Act To Establish the Leaseholders' Bill of Rights

ONTP

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

LD 1576 amends the laws governing the relationships between lessees and lessors. It expands the application of the Maine Revised Statutes, Title 14, chapter 710-D to all leases other than those covering trailer parks, apartment buildings, condominiums, time shares or townhouses. LD 1576 provides that a lessee can assign or transfer the lease. LD 1576 provides that the annual lease fee may not exceed 2.5% of the fair market value of the real property leased, not including the value of the buildings, fixtures and improvements. LD 1576 prohibits a lessor from mortgaging or otherwise encumbering the buildings, fixtures and improvements owned by the lessee. If a lessor terminates a lease without cause, the lessor shall reimburse the lessee for the fair market value of all buildings, fixtures and improvements on the real estate. The fair market value is established by a licensed appraiser. If the lessor disputes the appraisal, the appraisal must be submitted to binding arbitration. Violation of these provisions makes the lessor ineligible for tree growth tax benefits. If title to the land on which a lease exists is transferred to a different owner after the effective date of this bill, the lessee at the time of the transfer has the right of first refusal with regard to subsequent leases of the land.

LD 1576 has an effective date of January 1, 2008.

LD 1606 Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation

RESOLVE 92

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SOCTOMAH	OTP-AM	H-491

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LD 1606 provides that any civil penalties or fines or criminal fines imposed for a violation of any tribal or state law within the Indian territory of the Passamaquoddy Tribe or the Penobscot Nation must be remitted by the court imposing the penalty or fine to the Passamaquoddy Tribe or the Penobscot Nation, respectively.

Committee Amendment "A" (H-491)

This amendment replaces the bill with a resolve that directs the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency to work with the Chief Judge of the District Court to:

1. Develop Violation Summons and Complaint forms for tribal traffic violations;
2. Develop a process to ensure payment is made to the Passamaquoddy Tribe or the Penobscot Nation, as required; and
3. Report to the Joint Standing Committee on Judiciary about the forms, the process and any recommended legislation.

The Joint Standing Committee on Judiciary may submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

Enacted Law Summary

Resolve 2007, chapter 92 directs the chief executive officer of the Passamaquoddy Tribe law enforcement agency and the chief executive officer of the Penobscot Nation law enforcement agency to work with the Chief Judge of the District Court to:

1. Develop Violation Summons and Complaint forms for tribal traffic violations;
2. Develop a process to ensure payment is made to the Passamaquoddy Tribe or the Penobscot Nation, as required; and
3. Report to the Joint Standing Committee on Judiciary about the forms, the process and any recommended legislation.

The Joint Standing Committee on Judiciary may submit legislation relating to the report to the Second Regular Session of the 123rd Legislature.

LD 1617 An Act To Repeal Strict Foreclosure

PUBLIC 391

Sponsor(s)
WESTON

Committee Report
OTP-AM

Amendments Adopted
S-255

LD 1617 repeals the laws that permit foreclosure of a mortgage on real property by possession and by sale of the property.

Committee Amendment "A" (S-255)

This amendment replaces the bill. It repeals the provisions for strict foreclosure but leaves in place the provisions for power of sale foreclosures that are used by financial institutions for commercial loans.

Enacted Law Summary

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Public Law 2007, chapter 391 repeals the provisions for strict foreclosure but leaves in place the provisions for power of sale foreclosures that are used by financial institutions for commercial loans.

LD 1629 An Act Regarding Jury Service

PUBLIC 241

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN R	OTP-AM	S-164

LD 1629 increases the mileage reimbursement rate for jurors from 15¢ per mile to 50¢ per mile. This bill also limits to three the number of times that a person may be required to serve as a juror or called to service as a juror.

Committee Amendment "A" (S-164)

This amendment deletes from the bill the proposed increases in mileage reimbursement to jurors. This amendment revises the limitations on required jury service. Current law provides that a person may not be required to serve as a grand juror or traverse juror more than once every five years. The bill proposes to limit required service to a total of three times over a person's lifetime. This amendment limits required service to three times in a person's lifetime and no more than once in any five-year period. It also retains the current law limitation of traverse jury service to 15 court days, except if necessary to complete service in a particular case.

Enacted Law Summary

Public Law 2007, chapter 241 limits required jury service service to three times in a person's lifetime and no more than once in any five-year period. It also retains the current law limitation of traverse jury service to 15 court days, except if necessary to complete service in a particular case.

LD 1630 An Act To Address an Inequity in the Judicial Retirement System

PUBLIC 449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-295
		S-377 ROTUNDO

LD 1630 implements the recommendation of the Judicial Compensation Commission that members of Maine's judiciary with retirement contributions earned in the Maine Legislative Retirement System be allowed to fully transfer these contributions to the Maine Judicial Retirement System.

Committee Amendment "A" (S-295)

This amendment replaces the bill. This amendment addresses the fact that cost-of-living adjustments were not provided to judges in fiscal year 2003-04 and fiscal year 2004-05. This amendment requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments. The unfunded liability costs associated with this legislation will be paid from the surplus in the Maine Judicial Retirement System. The employee contribution is based on the compensation actually paid and not on the imputed cost-of-living adjustments. This amendment applies to judges who retire on or after the effective date of this Act. This amendment also adds an appropriations and allocations section to the bill.

Senate Amendment "A" (S-377)

This amendment provides clarifying language regarding eligible judges, authorizes Personal Services funds to carry forward into fiscal year 2007-08 and offsets the General Fund costs in the 2008-2009 biennium with one-time deappropriations from the Judicial Department.

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Enacted Law Summary

Public Law 2007, chapter 449 requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments that were not funded in fiscal years 03-04 and 04-05. The unfunded liability costs associated with this legislation will be paid from the surplus in the Maine Judicial Retirement System. The employee contribution is based on the compensation actually paid and not on the imputed cost-of-living adjustments. Chapter 449 applies to judges who were sitting as of June 30, 2005 and who retire on or after the effective date of this Act. Chapter 449 also authorizes Personal Services funds to carry forward into fiscal year 2007-2008 and offsets the General Fund costs in the 2008-2009 biennium with one-time deappropriations from the Judicial Department.

LD 1689 An Act To Amend the Child and Family Services and Child Protection Act

PUBLIC 371

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-247

LD 1689 amends the Child and Family Services and Child Protection Act by expanding the status of relatives in the determination of placement of a child.

Committee Amendment "A" (S-247)

This amendment strikes from the bill provisions that propose to change the standard for determining the appropriateness of the placement of a child when in the custody of the State in a child protection proceeding. Retained are provisions expanding the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It also retains the change to mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

Enacted Law Summary

Public Law 2007, chapter 371 expands the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It provides for mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

LD 1695 An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing

ACCEPTED ONTP
REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HASTINGS	ONTP MAJ OTP-AM MIN	

LD 1695 affects new HUD-code manufactured housing, providing for the conveyance of the manufactured housing by deed to the consumer, and the recording of the deeds in the applicable county registry of deeds. LD 1695 also provides for deeds of relocation where there is no change of ownership and statements of relocation of the manufactured housing out of state. Forms for deeds and statements are included. LD 1695 makes it clear that title passes to the new owner upon the installation of the manufactured housing and connection of the manufactured housing to the required utilities.

Committee Amendment "A" (S-310)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment removes the provision for the creation of a security interest in HUD-code manufactured housing under the Uniform Commercial

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Code as an alternative to a real estate mortgage. This amendment limits the exemption from the real estate license law to transactions in HUD-code manufactured housing. This amendment mandates the conveyance by deed of HUD-code manufactured housing to a consumer and incorporates the transformation from personal property to real estate caused by the conveyance into the sales and real estate transfer tax laws. This amendment clarifies that all kinds of deeds are available for transfers of title in HUD-code manufactured housing, adds parentheses to the provisions for spousal joinder in the deed forms to remove any suggestion that spousal rights are created in the forms. It also removes the limitation to transfers occurring prior to installation to the requirement of transfer of HUD-code manufactured housing by deed to a consumer and exempts from the real estate transfer tax original transfers by deed of HUD-code manufactured housing to a consumer that are subject to sales tax. This amendment also repeals the language establishing a titling process in the Maine Revised Statutes, Title 29-A, originally enacted by Public Law 2005, chapter 678. The sections dealing with the titling process are repealed September 30, 2007. The provisions establishing the conveyancing by deed of HUD-code manufactured housing take effect January 1, 2008.

LD 1734 An Act To Provide Adult Adoptees Access to Information

ONTP

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

LD 1734 maintains the option of confidential adoption. It applies prospectively to allow birth parents to choose to keep the personally identifying information confidential by so stating at the time of the consent, surrender and release or termination of parental rights. The statement includes an acknowledgment that the birth parent knows that medical and family information can be added to the Probate Court records at any time, and such information will be available to the adoptive parents or the adoptee. The birth parent also acknowledges that the decision to keep the information confidential may be changed and therefore made available. LD 1734 provides that a birth parent may, at any time, provide current medical or other relevant information to the Probate Court to be made available to the adoptee and the adoptee's adoptive parents, descendants or legal guardian. LD 1734 also requires a family history form to be completed before biological parents may surrender and release a child. If the biological parents choose to maintain their records in confidentiality, then they must update the family history form every 10 years, until they reach 40 years of age, and every five years thereafter. Current law provides for the collection of information when an adopted child suffers a serious medical or mental illness. The Department of Health and Human Services, the licensed child-placing agency or other person who assisted in placing the child must attempt to obtain additional information and must provide that information to the adoptive parents. LD 1734 applies that requirement when the adoptee has reached 18 years of age and either the adoptee or the adoptee's descendant suffers a serious medical or mental illness for which the specific medical, psychological or social history of the biological parents or the adoptee may be useful in diagnosis or treatment.

See also LD 1084.

LD 1737 An Act To Amend the Conservation Easement Laws

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-490
		S-270 HOBBS
		S-305 DAMON

LD 1737 enacts changes to the laws governing the creation, alteration and termination of conservation easements. Under the bill, a court must find that a change of circumstances makes the conservation easement no longer in the public interest before the conservation easement may be terminated or amended in a manner that diminishes its

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conservation purposes. LD 1737 also requires that future conservation easements must clearly recite the conservation purposes and public benefits of the easement. LD 1737 further requires that future conservation easements include a statement of the power of the holder to amend the easement and be accompanied by documentation of the condition of the property. As necessary to future enforcement of conservation easements, holders are required to periodically monitor the condition of the property subject to the easement

LD 1737 also allows the Attorney General to be a party in any action affecting a conservation easement, as the Attorney General may with any charitable trust. LD 1737 also provides that conservation easements will not be destroyed by reason of merger of the fee and easement holder's interests nor by tax foreclosure.

Finally, this bill establishes a conservation easement registration system administered by the Secretary of State and Executive Department, State Planning Office with a modest annual filing fee, and requires that the transfer tax form for property subject to a conservation easement disclose that notice of the property's transfer has been given to the holder of the easement.

Committee Amendment "A" (H-490)

This amendment deletes the section of the bill relating to termination and modification of conservation easements, the section of the bill relating to the termination of a conservation easement when it is no longer in the public interest, the section of the bill relating to entering land to ensure compliance with the terms of a conservation easement, the section of the bill relating to new conservation easement standards, and the section of the bill relating to judicial action affecting a conservation easement. This amendment requires the annual filing by conservation easement holders to be made directly to the Executive Department, State Planning Office rather than through the Secretary of State. The filing fee has been changed to \$30 to cover the costs estimated by the State Planning Office for setting up and maintaining the registry. The special reference to filing by government easement holders in the bill is eliminated as unnecessary because the filing is to be made directly to the State Planning Office rather than as part of an annual corporate filing with the Secretary of State. This amendment deletes the requirement in the bill concerning the transfer tax form.

Senate Amendment "A" (S-270)

This amendment provides the correct technical form to insert the allocation.

Senate Amendment "B" (S-305)

This amendment sets certain standards for conservation easements. It provides that a conservation easement executed on or after the effective date of this legislation must include a statement of the conservation purposes and public benefits of the easement. It includes standards for the amendment and termination of a conservation easement. It requires the holder of a conservation easement to monitor the condition of the real property subject to the conservation easement at least every three years and prepare and retain a written monitoring report. The amendment also amends the laws governing judicial actions affecting conservation easements. It provides that an action affecting a conservation easement may be brought or intervened in by the Attorney General and it specifies under what circumstances the Attorney General may initiate action seeking enforcement of a conservation easement. It contains a provision regarding the confidentiality of documents and records obtained by the Attorney General in an action affecting a conservation easement.

Enacted Law Summary

Public Law 2007, chapter 412 sets certain standards for conservation easements. It provides that a conservation easement executed on or after the effective date of this legislation must include a statement of the conservation purposes and public benefits of the easement. It includes standards for the amendment and termination of a conservation easement. It requires the holder of a conservation easement to monitor the condition of the real property subject to the conservation easement at least every three years and prepare and retain a written monitoring report. It also amends the laws governing judicial actions affecting conservation easements. It provides that an action affecting a conservation easement may be brought or intervened in by the Attorney General and it specifies

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under what circumstances the Attorney General may initiate action seeking enforcement of a conservation easement. It contains a provision regarding the confidentiality of documents and records obtained by the Attorney General in an action affecting a conservation easement. Chapter 412 directs the State Planning Office to establish and maintain a registry of conservation easements. It requires an annual filing of information about conservation easements by conservation easement holders to be made directly to the Executive Department, State Planning Office.

LD 1741 An Act To Update the Maine Business Corporation Act

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-178

LD 1741 amends the Maine Business Corporation Act to reflect changes made by the American Bar Association to the Model Business Corporation Act, on which the Maine Business Corporation Act is based.

LD 1741 also makes other changes to the Maine Business Corporation Act, including:

1. Adding definitions of "expenses," "public corporation" and "qualified director";
2. Allowing the delivery by a corporation of one copy of a notice, the articles of incorporation or bylaws to be delivered to a common address occupied by more than one shareholder and still satisfy the requirements that all shareholders receive the notice, articles or bylaws. A shareholder can opt out of this arrangement by providing written notice to the corporation;
3. Allowing, with the prior consent of shareholders, the inclusion in the articles of incorporation of a provision that allows action to be taken regarding the corporation without a meeting or notice to the shareholders; and
4. Changing the class or series of shares held by a shareholder for the purpose of limiting the appraisal rights of that shareholder.

Committee Amendment "A" (S-178)

This amendment makes a number of technical corrections to the bill as printed. It also puts into one section the various alternatives defining elements of the term "public corporation."

Enacted Law Summary

Public Law 2007, chapter 289 amends the Maine Business Corporation Act to reflect changes made by the American Bar Association to the Model Business Corporation Act, on which the Maine Business Corporation Act is based.

Chapter 289 also makes other changes to the Maine Business Corporation Act, including:

1. Adding definitions of "expenses," "public corporation" and "qualified director";
2. Allowing the delivery by a corporation of one copy of a notice, the articles of incorporation or bylaws to be delivered to a common address occupied by more than one shareholder and still satisfy the requirements that all shareholders receive the notice, articles or bylaws. A shareholder can opt out of this arrangement by providing written notice to the corporation;
3. Allowing, with the prior consent of shareholders, the inclusion in the articles of incorporation of a provision that allows action to be taken regarding the corporation without a meeting or notice to the shareholders; and
4. Changing the class or series of shares held by a shareholder for the purpose of limiting the appraisal rights of that

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shareholder.

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

CARRIED OVER

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

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 1747 is carried over pursuant to Joint Order, HP 1369.

LD 1750 An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors

PUBLIC 345

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-249

LD 1750 decreases the statute of limitations for which actions against a professional land surveyor may be brought from 20 years to 10 years.

Committee Amendment "A" (S-249)

This amendment deletes the reference to malpractice, leaving the civil actions appropriately referred to as "civil actions for professional negligence." This amendment also deletes the provision that allows the statute of limitations applicable to professional land surveyors to be revised by a contract. This amendment includes an application section to clarify that the statute of limitations applicable to an action is the statute of limitation that is in effect when a contract is completed or, if no contract, when the work is completed.

Enacted Law Summary

Public Law 2007, chapter 345 decreases the statute of limitations for which actions against a professional land surveyor may be brought from 20 years to 10 years. Chapter 345 includes an application section to clarify that the statute of limitations applicable to an action is the statute of limitation that is in effect when a contract is completed or, if no contract, when the work is completed.

LD 1771 Resolve, Directing the Family Law Advisory Commission To Develop Legislation Authorizing the Use of Parenting Coordinators

RESOLVE 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-345

LD 1771 allows a court to appoint a parenting coordinator in a child custody dispute if the court determines that the dispute is a high-conflict case or upon agreement of the parties. The parenting coordinator aids the parties in identifying and resolving issues in the parenting or custody of the child, and decisions by the coordinator may be overturned only by the court.

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Committee Amendment "A" (H-345)

This amendment replaces the bill with a resolve directing the Family Law Advisory Commission to work in consultation with other interested constituencies to develop legislation to authorize the use of parenting coordinators and report the recommended legislation to the Joint Standing Committee on Judiciary by December 15, 2007. The committee may submit legislation after receiving the report.

Enacted Law Summary

Resolve 2007, chapter 69 directs the Family Law Advisory Commission to work in consultation with other interested constituencies to develop legislation to authorize the use of parenting coordinators and report the recommended legislation to the Joint Standing Committee on Judiciary by December 15, 2007. The committee may submit legislation after receiving the report.

LD 1789 An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006

PUBLIC 255

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-165

LD 1789 repeals the Interstate Compact on the Placement of Children adopted in 1961 and replaces it with the new Interstate Compact for the Placement of Children. This compact affects a child under 18 years of age who is being placed in a different state by a state that has been granted custody of the child, whether because the child has been found to be abused, neglected or deprived or because the child has been adjudicated as delinquent or unmanageable. The sending state must obtain the receiving state's approval before placement, and the sending state retains jurisdiction over and responsibility for the child after placement.

Committee Amendment "A" (S-165)

This amendment deletes provisions of the bill that repealed the existing Interstate Compact on Placement of Children, and retains cross-references to that compact. The revised Interstate Compact for the Placement of Children, included in the bill as the Maine Revised Statutes, Title 22, chapter 1154, does not become effective until at least 35 states ratify it. By retaining the existing compact, this amendment ensures that current law remains in place for the interstate placement of foster children. The existing compact will also govern placements with states that choose not to ratify the revised compact.

This amendment also makes changes to the child protective laws as required by the federal Safe and Timely Interstate Placement of Foster Children Act of 2006. These changes require foster parents, preadoptive families and relative care givers to be provided notice and the right to be heard at any proceeding concerning the child. Current law refers to an opportunity to be heard at any reviews or hearings.

This amendment also amends the definition of "foster parent" to be consistent with the requirements of federal law.

Enacted Law Summary

Public Law 2007, chapter 255 concerns the interstate placement of children. Chapter 255 enacts the revised Interstate Compact for the Placement of Children, but the Compact does not become effective until at least 35 states ratify it. The existing compact is retained to ensure that current law remains in place for the interstate placement of foster children. The existing compact will also govern placements with states that choose not to ratify the revised compact.

Chapter 255 also makes changes to the child protective laws as required by the federal Safe and Timely Interstate

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Placement of Foster Children Act of 2006. These changes require foster parents, preadoptive families and relative care givers to be provided notice and the right to be heard at any proceeding concerning the child. Current law refers to an opportunity to be heard at any reviews or hearings. Chapter 255 also amends the definition of "foster parent" to be consistent with the requirements of federal law.

LD 1792 An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations **CARRIED OVER**

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

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.

LD 1792 is carried over pursuant to Joint Order, HP 1369.

LD 1806 An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships **PUBLIC 231
EMERGENCY**

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

LD 1806 makes necessary changes to the laws relating to corporations, limited partnerships, limited liability companies, limited liability partnerships and general partnerships. LD 1806 makes uniform changes to filing fees that were changed in 2004 and 2005 that were not changed as part of the overhaul of fee changes. This adjustment of filing fees is necessary to make similar filing fees in all entity laws uniform. LD 1806 adds language to clarify that an entity must file all annual reports due and pay any outstanding fees or penalties due the Secretary of State prior to filing any dissolution or termination filing. LD 1806 also adds a provision to revive domestic entities after dissolution for a specific purpose and specific amount of time. LD 1806 also removes the requirement of a filing with the registers of deeds when cooperatives organize with the Secretary of State's office. Additionally, LD 1806 adds language necessary to correct discrepancies in the original drafting of the Uniform Limited Partnership Act of 2007, which will become effective July 1, 2007.

Enacted Law Summary

Public Law 2007, chapter 231 makes necessary changes to the laws relating to corporations, limited partnerships, limited liability companies, limited liability partnerships and general partnerships. Chapter 231 makes uniform changes to filing fees that were changed in 2004 and 2005 that were not changed as part of the overhaul of fee changes. Chapter 231 clarifies that an entity must file all annual reports due and pay any outstanding fees or penalties due the Secretary of State prior to filing any dissolution or termination filing. It also provides the ability to revive domestic entities after dissolution for a specific purpose and specific amount of time. Chapter 231 removes the requirement of a filing with the registers of deeds when cooperatives organize with the Secretary of State's office. Chapter 231 corrects discrepancies in the original drafting of the Uniform Limited Partnership Act of 2007, which will become effective July 1, 2007.

Public Law 2007, chapter 231 was enacted as an emergency measure effective June 5, 2007.

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LD 1813 An Act To Facilitate Collection of Money Owed to the State

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-346

LD 1813 enhances the authority of the Attorney General's office to engage in collections actions for debts, fines, penalties and other money owed to the State. The Attorney General's office is given the authority to add a fee, which is deposited in the General Fund, in its collecting of money owed the State in order to secure some reimbursement for the cost of pursuing payment. Seized property may be sold by the State.

Committee Amendment "A" (H-346)

This amendment deletes from the bill the proposed language to allow the State to add a fee to cover the costs of collecting money owed the State.

Enacted Law Summary

Public Law 2007, chapter 248 enhances the authority of the Attorney General's office to engage in collections actions for debts, fines, penalties and other money owed to the State. Seized property may be sold by the State. This amendment deletes from the bill the proposed language to allow the State to add a fee to cover the costs of collecting money owed the State.

**LD 1822 An Act To Implement the Recommendations of the Right To Know
Advisory Committee**

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-536

LD 1822 consists of the legislative recommendations of the Right To Know Advisory Committee.

LD 1822 requires certain elected officials to complete a training course on the State's freedom of access laws within 90 days of taking elected office beginning January 1, 2008. The bill requires that the Public Access Ombudsman, in conjunction with the Right To Know Advisory Committee, develop a training course of less than two hours using the State's publicly accessible website to be available at no cost to the elected official. The bill also requires that elected officials send electronic notification to the ombudsman upon completion of the training and further requires the ombudsman to make a record of those elected officials who have completed the training available to the public.

LD 1822 establishes the Public Access Division and the Public Access Ombudsman within the Department of the Attorney General. The ombudsman is required to provide information and educational materials and programs to the public, as well as to public agencies and officials, in cooperation with the Right To Know Advisory Committee. The ombudsman will respond to informal inquiries, resolve freedom of access complaints when possible and issue advisory opinions concerning the State's freedom of access laws. The ombudsman is not permitted to issue an advisory opinion on an issue that is the subject of a lawsuit filed under the freedom of access laws. The ombudsman must make the advisory opinions available to the public once they are distributed to the persons requesting the advisory opinion and the parties involved. The ombudsman is required to make recommendations concerning ways to improve public access to public records and public proceedings. The ombudsman may request the assistance of any public agency or official in carrying out these responsibilities. The ombudsman may access records that a public agency or official believes are confidential in order to determine whether the records may be released to the public. Records that would be confidential if they were in the possession or custody of a public agency or official are confidential if those records are in the possession of the ombudsman. The ombudsman shall maintain the

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confidentiality of confidential records and information provided to the ombudsman.

Beginning in March 2008, the ombudsman is required to report annually to the Legislature and the Right To Know Advisory Committee regarding the ombudsman's activities and the inquiries and complaints received. The report must also include recommendations concerning ways to improve public access to public records and proceedings.

Committee Amendment "A" (H-536)

This amendment revises the freedom of access training requirement for elected officials to delay the effective date to July 1, 2008. The amendment deletes the section of the bill that creates the Public Access Ombudsman and instead requires that the training course be approved by the Right To Know Advisory Committee. It also requires elected officials to send a written or electronic notification to the Right To Know Advisory Committee when they have completed their training. It also adds a mandate preamble to the bill.

See also LD 1923.

Enacted Law Summary

Public Law 2007, chapter 349 includes part of the legislative recommendations of the Right To Know Advisory Committee. Chapter 349 requires certain elected officials to complete a training course on the State's freedom of access laws within 90 days of taking elected office beginning July 1, 2008. The training course must be approved by the Right To Know Advisory Committee. Elected officials must send a written or electronic notification to the Right To Know Advisory Committee when they have completed their training.

LD 1853 An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL	OTP-AM	H-397

Part A of LD 1853 enacts the Model Registered Agents Act, adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. Part A includes Maine language on clerks of corporations and standard language governing rules, publications and other responsibilities of the Secretary of State. Parts B, C, D, E, F and G include conforming amendments to the laws governing nonprofit corporations, business corporations, limited liability companies and limited liability partnerships, respectively. Part G contains an effective date of July 1, 2008 for the entire Act.

Committee Amendment "A" (H-397)

This amendment corrects a numbering conflict in Part A of the bill and adds to the bill the prefatory note, model act comments and a Maine comment.

Enacted Law Summary

Public Law 2007, chapter 323 enacts the Model Registered Agents Act, adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. It is effective July 1, 2008.

LD 1864 An Act To Prevent Disclosure of Certain Identifying Information in Child Protective and Other Court Proceedings

PUBLIC 351

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-254

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LD 1864 requires the court in child protection proceedings to protect the confidentiality of information pertaining to the current address or location of a person when that person either has a current order prohibiting contact by another party to the proceeding or has alleged under oath that the health, safety or liberty of the person would be jeopardized by disclosure of the information.

Committee Amendment "A" (S-254)

This amendment retains the provisions of the bill and adds general language to the Maine Revised Statutes, Title 4 that pertains to the Supreme Judicial Court adopting rules that protect, in any court in any case, a party's or participant's address or location information if a no contact order exists or the party or participant submits an allegation or pleading under oath that the person's health, safety or liberty would be jeopardized by the disclosure of that information.

Enacted Law Summary

Public Law 2007, chapter 351 requires the court in child protection proceedings to protect the confidentiality of information pertaining to the current address or location of a person when that person either has a current order prohibiting contact by another party to the proceeding or has alleged under oath that the health, safety or liberty of the person would be jeopardized by disclosure of the information. Chapter 351 adds general language to the Maine Revised Statutes, Title 4 that pertains to the Supreme Judicial Court adopting rules that protect, in any court in any case, a party's or participant's address or location information if a no contact order exists or the party or participant submits an allegation or pleading under oath that the person's health, safety or liberty would be jeopardized by the disclosure of that information.

LD 1881 An Act To Improve Transparency and Accountability in Government

CARRIED OVER

Sponsor(s)
WESTON

Committee Report

Amendments Adopted

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.

LD 1881 is carried over pursuant to Joint Order, HP 1369.

LD 1904 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 466
EMERGENCY**

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-630
H-631 SIMPSON

LD 1904 makes technical corrections in the Laws of Maine.

Committee Amendment "A" (H-630)

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This amendment establishes the sections in the bill as Part A. This amendment strikes from the bill sections 13, 29, 58, 59, 69, 76 and 79 because the errors are addressed by other legislation. Section 52 is amended to incorporate a recently enacted Public Law chapter. Section 75 is amended to correct the application section for corrections to the income tax statutes.

This amendment adds a Part B that makes technical corrections.

This amendment adds a Part C that does the following and contains provisions that are or may be considered substantive.

Part C, section 1 repeals the subchapter that established the Court Unification Oversight Committee, because the committee has completed its work. Part C, section 2 includes an amendment to allow the Director of the Bureau of General Services within the Department of Administrative and Financial Services to waive the competitive bidding process in emergency circumstances. The same changes were made in Public Law 2007, chapter 9, which was not an emergency measure.

Public Law 2007, chapter 240, Part LLL directs the Commissioner of Professional and Financial Regulation to annually conduct a survey of all the fees collected by the Department of Professional and Financial Regulation and provide a written report identifying any recommended fee changes to the State Budget Officer and three joint standing committees of the Legislature. The language was placed in Title 32, which includes laws regulating professions and occupations, but not the other duties of the department. Part C, section 8 repeals the Title 32 provision enacted in Public Law 2007, chapter 240, Part LLL. Part C, section 5 enacts the language in Title 10 in the chapter that provides for the organization of the department and the duties of the commissioner. Part C, section 6 includes an exception from the prohibition of firearms in courthouse for a courier or security service approved by the state judicial marshal. Part C, section 7 clarifies that compliance and satisfactory participation in a plan or program are contemporaneous requirements for participation in cocurricular activities for a child with a disability.

Part D contains technical cross-reference corrections in the Maine Insurance Code.

House Amendment "A" (H-631)

LD 1851 created the Maine Energy Conservation Board, including three public members. The unallocated language provided for staggered terms: one's initial term was for one year, another's initial term was for two years and the third initial term was for three years. The committee amendment added an additional public member, but did not amend the unallocated language to address the length of the initial term. This amendment amends the unallocated language in Public Law 2007, chapter 317 to provide that the initial terms for two of the public members are for three years.

Enacted Law Summary

Public Law 2007, chapter 466 corrections in the Laws of Maine. Parts A, B and D contain technical corrections. Parts C and E contain corrections that are or may be considered substantive.

Public Law 2007, chapter 466 was enacted as an emergency measure effective June 29, 2007.

LD 1906 An Act To Clarify the Authority of Boards and Committees

**PUBLIC 396
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON MARTIN	OTP-AM	H-495

LD 1906 overturns the portion of the Law Court decision in *Stevenson v. Town of Kennebunk*, 2007 ME 55, that held that a municipal board was not authorized to take any action because there was a vacancy on the board. The Law

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Court held that a charter or ordinance must specifically authorize a board to act in the event of a vacancy. LD 1906 requires a charter or ordinance to specifically prohibit a municipal board or committee from acting in the event of a vacancy in order to have that effect.

LD 1906 is an emergency and applies retroactively to the date of the decision.

Committee Amendment "A" (H-495)

This amendment clarifies Maine law generally, and county and municipal laws specifically, to require a statute, charter or ordinance to specifically prohibit a body from acting in the event of a vacancy in order to have that effect. Because the Law Court decision declared the actions of bodies having vacancies null and void, the amendment also clarifies that no action previously taken is invalid solely because of the existence of a vacancy or vacancies on the body.

The amendment is an emergency and validates all past actions taken by boards during periods of vacancies.

Enacted Law Summary

Public Law 2007, chapter 396 overturns the portion of the Law Court decision in *Stevenson v. Town of Kennebunk*, 2007 ME 55, that held that a municipal board was not authorized to take any action because there was a vacancy on the board. The Law Court held that a charter or ordinance must specifically authorize a board to act in the event of a vacancy. Chapter 396 clarifies Maine law generally, and county and municipal laws specifically, to require a statute, charter or ordinance to specifically prohibit a body from acting in the event of a vacancy in order to have that effect. Because the Law Court decision declared the actions of bodies having vacancies null and void, the chapter 396 also clarifies that no action previously taken is invalid solely because of the existence of a vacancy or vacancies on the body. Chapter 396 validates all past actions taken by boards during periods of vacancies.

Public Law 2007, chapter 396 was enacted as an emergency measure effective June 21, 2007.

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

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		H-607 SIMPSON

LD 1923 is introduced by the Joint Standing Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G and is based on the Right To Know Advisory Committee's recommendation to establish a Public Access Ombudsman.

LD 1923 establishes the Public Access Ombudsman within the Department of the Attorney General. The ombudsman will provide information and educational materials and programs to the public, as well as public agencies and officials, in cooperation with the Right To Know Advisory Committee. The ombudsman will respond to informal inquiries, resolve freedom of access complaints when possible and issue advisory opinions concerning the State's freedom of access laws. The ombudsman is not permitted to issue an advisory opinion on an issue that is the subject of a lawsuit filed under the freedom of access laws. The ombudsman must make the advisory opinions available to the public once they are distributed to the persons requesting the advisory opinion and the parties involved. The ombudsman will make recommendations concerning ways to improve public access to public records and public proceedings. The ombudsman may request the assistance of any public agency or official in carrying out these responsibilities. The ombudsman may access records that a public agency or official believes are confidential in order to determine whether the records may be released to the public. Records that would be confidential if they were in the possession or custody of a public agency or official are confidential if those records are in the possession of the ombudsman. The ombudsman shall maintain the confidentiality of confidential records and information provided to the ombudsman. Beginning in March 2008, the ombudsman will report annually to the Legislature and

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the Right To Know Advisory Committee regarding the ombudsman's activities and the inquiries and complaints received. The report must also include recommendations concerning ways to improve public access to public records and proceedings.

LD 1923 is carried over pursuant to Joint Order, HP 1369.

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.

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SUBJECT INDEX

Adoption

Enacted

LD 1084 **An Act To Provide Adult Adoptees Access to Their Original Birth
Certificates** **PUBLIC 409**

Not Enacted

LD 391 **Resolve, To Study Adoption Laws and Practices** **DIED BETWEEN
HOUSES**

LD 1734 **An Act To Provide Adult Adoptees Access to Information** **ONTP**

Attorney General

Enacted

LD 94 **An Act To Protect Consumer Rights under the Maine Unfair Trade
Practices Act** **PUBLIC 222**

LD 1813 **An Act To Facilitate Collection of Money Owed to the State** **PUBLIC 248**

Not Enacted

LD 255 **An Act Concerning Litigation Brought by the Attorney General To
Enforce Provisions of the Forest Practices Laws** **ONTP**

LD 489 **Resolve, To Increase the Authority of the Consumer Protection Division
of the Office of the Attorney General** **ONTP**

Business & Nonprofit Organizations

Enacted

LD 1117 **An Act To Amend the Charter of the Somerset Woods Trustees** **P & S 14**

LD 1542 **An Act To Limit the Liability of Organized Clubs** **PUBLIC 366**

LD 1741 **An Act To Update the Maine Business Corporation Act** **PUBLIC 289**

LD 1806 **An Act To Amend the Laws Relating to Corporations, Limited
Partnerships, Limited Liability Companies and Limited Liability
Partnerships** **PUBLIC 231
EMERGENCY**

LD 1853 **An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings** **PUBLIC 323**

Not Enacted

LD 1792 **An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations** **CARRIED OVER**

Child Protection

Enacted

LD 515 **An Act To Amend Laws Relating to Persons Serving as Permanency Guardians or Receiving Permanency Guardianship** **PUBLIC 284**

LD 584 **An Act Concerning Animal Control Officers as Reporters of Abuse** **PUBLIC 139**

LD 602 **An Act To Clarify Confidentiality in Child Protective Proceedings** **PUBLIC 335**

LD 1689 **An Act To Amend the Child and Family Services and Child Protection Act** **PUBLIC 371**

LD 1789 **An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006** **PUBLIC 255**

LD 1864 **An Act To Prevent Disclosure of Certain Identifying Information in Child Protective and Other Court Proceedings** **PUBLIC 351**

Not Enacted

LD 61 **An Act To Add Abortion Providers to the List of Mandated Reporters to the Department of Health and Human Services** **ONTP**

LD 505 **An Act To Clarify the Status of a Case following the Establishment of Permanent Guardianship** **ONTP**

LD 1048 **An Act To Provide Greater Permanency for Children in Child Protection Proceedings** **ONTP**

LD 1126 **An Act To Clarify the Status of Subsidy Payments to Guardians** **ONTP**

Commercial Code

Enacted

LD 867 **An Act To Implement the Recommendations of a Joint Task Force on Fraudulent Uniform Commercial Code Filings as Adopted by the National Association of Secretaries of State and the International Association of Commercial Administrators** **PUBLIC 228**

Confidentiality/Freedom of Access

Enacted

LD 1119	An Act To Permit Mental Health Professionals To Disclose Risks to People Likely To Be Harmed by a Patient	PUBLIC 310
LD 1822	An Act To Implement the Recommendations of the Right To Know Advisory Committee	PUBLIC 349

Not Enacted

LD 86	An Act To Require the Collection of Information on Vehicle Accidents on Private Property	ONTP
LD 1453	Resolve, Regarding the Privacy of Social Security Numbers	ONTP
LD 1881	An Act To Improve Transparency and Accountability in Government	CARRIED OVER
LD 1923	An Act To Implement the Recommendations of the Right To Know Advisory Committee Creating the Public Access Ombudsman	CARRIED OVER

Contracts

Not Enacted

LD 296	An Act To Amend the Laws Governing Indemnification Agreements	ONTP
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Courts and Court Procedure

Enacted

LD 659	An Act To Establish a Mediation Process for Landlord-tenant Disputes	PUBLIC 246
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Not Enacted

LD 275	An Act To Protect Child Victims of Sexual Abuse	ONTP
LD 303	An Act To Strengthen the Whistleblowers' Protection Act BY REQUEST	ONTP
LD 308	An Act To Establish the Fully Informed Jury Act BY REQUEST	ONTP
LD 714	An Act To Promote Efficiency in the District Court	ONTP
LD 756	An Act To Enhance and Clarify the Small Claims System BY REQUEST	ONTP
LD 1140	An Act To Improve Efficiency in the Courts	ACCEPTED ONTP REPORT
LD 1141	An Act To Ensure Basic Rights of Judicial Employees	ONTP

LD 1335 **An Act To Minimize the Litigation Costs to Municipalities Associated with Property Tax Assessment Appeals** ONTP

LD 1415 **An Act Regarding the Right of a Person To Appeal from the Action of a State Agency** ONTP

Courts, Jury Duty

Enacted

LD 1629 **An Act Regarding Jury Service** PUBLIC 241

Not Enacted

LD 1 **An Act To Increase Reimbursement for Jury Duty** CARRIED OVER

LD 74 **An Act To Exempt Certain Parents and Caretakers from Jury Duty** ONTP

LD 1212 **An Act To Exempt Nurse Practitioners and Physician Assistants in Active Patient Care from Jury Service** ONTP

Courts, Justices and Judges

Enacted

LD 1630 **An Act To Address an Inequity in the Judicial Retirement System** PUBLIC 449

Not Enacted

LD 1524 **An Act To Increase Judicial Salaries** CARRIED OVER

Domestic Violence/Protection from Abuse

Enacted

LD 988 **An Act To Improve the Protection from Abuse Laws** PUBLIC 340

Not Enacted

LD 540 **An Act To Authorize a Court To Appoint Counsel in Protection from Abuse Hearings** ONTP

Family Law, General

Enacted

LD 389 **An Act To Allow the District Court To Enter Parental Rights and Responsibilities Orders in Child Protection Proceedings** PUBLIC 256

LD 390	An Act To Allow the District Court To Adjudicate Parentage in Child Protective Custody Cases	PUBLIC 257
LD 628	An Act To Permit Modification of Department-initiated Paternity Judgments Concerning Parental Rights	PUBLIC 164
LD 1771	Resolve, Directing the Family Law Advisory Commission To Develop Legislation Authorizing the Use of Parenting Coordinators	RESOLVE 69

Not Enacted

LD 477	An Act To Deter Parental Alienation	ONTP
LD 779	An Act To Remove Clergy as Signatories on Marriage Licenses	ONTP
LD 1213	An Act To Establish Spousal Support Guidelines	ONTP

Family Law, Child Support

Enacted

LD 488	An Act To Amend the Child Support Laws BY REQUEST	PUBLIC 142
LD 1011	An Act To Enhance Child Support Collections in Maine	PUBLIC 206 EMERGENCY
LD 1541	An Act To Improve Child Support Services	PUBLIC 365

Not Enacted

LD 103	An Act To Give Children Equal Priority in Creditor Situations Consistent with Bankruptcy	ONTP
LD 989	An Act To Extend Parental Support Obligations for College Students	ONTP
LD 1231	An Act To Serve the Best Interests of Children in Divorce	ONTP

Guardians ad litem

Not Enacted

LD 279	An Act To Improve the Responsiveness of Guardians Ad Litem	ONTP
LD 1388	An Act To Prohibit Attorneys from Litigating Child Custody Cases in the Same District in Which They Serve as Guardians Ad Litem	ONTP

Human Rights and Medical Rights

Enacted

LD 685	An Act To Amend the Maine Human Rights Act	PUBLIC 243
LD 1027	An Act To Clarify the Definition of "Physical or Mental Disability" in the Maine Human Rights Act	PUBLIC 385 EMERGENCY
LD 1372	An Act To Increase Caps on Damages in Actions under the Maine Human Rights Act	PUBLIC 457

Not Enacted

LD 47	An Act To Prohibit the Promotion of Travel for Sex Tourism	ONTP
LD 49	Resolve, To Deny Family Status to Fetuses	ONTP
LD 461	An Act To Implement the Recommendations of the Human Trafficking Task Force	CARRIED OVER
LD 1505	An Act To Adopt the Revised Uniform Anatomical Gift Act	CARRIED OVER

Mechanics's Liens

Not Enacted

LD 102	An Act To Amend the Laws Governing Mechanics Liens	ONTP
LD 1207	An Act To Amend the Mechanics Lien Laws	ONTP

Minors and Juveniles

Enacted

LD 709	An Act To Amend the Accord and Satisfaction Laws To Add Juveniles BY REQUEST	PUBLIC 277
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Not Enacted

LD 104	An Act To Protect Minors from Certain Bill Collectors	ONTP
LD 708	An Act To Amend the Laws Concerning the Emancipation of Minors BY REQUEST	ONTP

Probate

Enacted

LD 198	An Act To Increase the Value of an Estate Collectible by Affidavit in Probate Law to \$20,000	PUBLIC 30
LD 200	Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court	RESOLVE 74 EMERGENCY

LD 354 An Act Regarding the Reporting Requirements of Conservators PUBLIC 308

LD 433 An Act To Amend the Bond Requirements for Estates of Decedents PUBLIC 154

Not Enacted

LD 341 An Act To Amend the Probate Code To Affect Claims against an Estate ONTP

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

Property Rights and Eminent Domain

Enacted

LD 889 An Act To Allow Apartment Building Owners To Prevent Damage to Property in the Installation of Over-the-air Reception Devices PUBLIC 57

Not Enacted

LD 254 An Act To Restrict Takings under Eminent Domain ONTP

LD 960 An Act To Base Value in Eminent Domain Takings of Businesses on Going Concern Value DIED IN CONCURRENCE

LD 1576 An Act To Establish the Leaseholders' Bill of Rights ONTP

Real Property

Enacted

LD 868 An Act To Amend the Civil Foreclosure Laws PUBLIC 103

LD 1617 An Act To Repeal Strict Foreclosure PUBLIC 391

LD 1737 An Act To Amend the Conservation Easement Laws PUBLIC 412

Not Enacted

LD 199 An Act To Improve the Lien Process ONTP

LD 581 An Act To Amend the Laws Pertaining to Improvident Transfers ONTP

LD 809 An Act To Amend the Adverse Possession Law ONTP

Torts and Immunity, General

Enacted

LD 397	An Act To Limit Liability for the Performance of Community Service	PUBLIC 275
LD 866	An Act To Amend the Wrongful Death Laws	PUBLIC 280
LD 1156	An Act To Protect Owners and Occupiers of Homes from Civil Liability	PUBLIC 315
LD 1258	An Act To Clarify the Laws Governing Landowner Liability	PUBLIC 260

Not Enacted

LD 223	An Act To Amend the Maine Tort Claims Act	ONTP
LD 286	An Act To Protect Veterinarians Providing Animal Welfare Services for the State	ONTP
LD 552	An Act To Provide for Punitive Damages against Sex Offenders	ONTP
LD 580	An Act To Provide for Punitive Damages against Drunk Drivers	ONTP
LD 843	An Act To Provide Immunity from Tort Claims against the State of New Hampshire Department of Transportation when Performing Maintenance Operations within the State of Maine	ONTP
LD 1125	An Act To Amend the Maine Liquor Liability Act	ACCEPTED ONTP REPORT
LD 1348	An Act To Amend the Maine Tort Claims Act	CARRIED OVER
LD 1349	Resolve, To Waive the Tort Claims Limitation on Damages Relative to the Traumatic Brain Injury of Lucas Tolliver	CARRIED OVER
LD 1423	An Act To Allocate Punitive Damage Awards in Civil Cases To Include an Amount To Ensure Access to Justice for Maine Citizens	ONTP

Torts and Immunity, Medical Malpractice

Not Enacted

LD 367	An Act To Protect Emergency Room Personnel from Civil Liability	CARRIED OVER
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LD 469	An Act To Disseminate "Lessons Learned" from Medical Injury Claims	CARRIED OVER
LD 608	An Act To Extend the Statute of Limitations for Certain Medical Malpractice Cases	CARRIED OVER
LD 684	An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error	CARRIED OVER
LD 857	An Act To Create A Medical Malpractice Study Group	CARRIED OVER
LD 1271	An Act To Establish Health Care Practitioner Immunity for Consulting Physicians in Critical Specialties or Subspecialties	CARRIED OVER

Torts and Immunity, Statutes of Limitation

Enacted

LD 882	An Act To Create a 10-year Statute of Limitations for Certain Environmental Violations	PUBLIC 337
LD 1750	An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors	PUBLIC 345

Not Enacted

LD 178	An Act Regarding the Reporting of Sexual Abuse	ACCEPTED ONTP REPORT
LD 506	An Act To Rescind the Statute of Limitations on the Ability To File a Civil Suit in Cases Dealing with Unlawful Sexual Contact	ONTP

Tribal-State Relations

Enacted

LD 73	An Act To Place Land in Centerville in Trust	PUBLIC 221
LD 169	An Act To Place Land in Township 21 in Trust	PUBLIC 223
LD 373	An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State	PUBLIC 149
LD 1263	Resolve, To Continue the Tribal-State Work Group	RESOLVE 142 EMERGENCY
LD 1606	Resolve, To Direct Fines Collected on Tribal Lands to the Passamaquoddy Tribe and the Penobscot Nation	RESOLVE 92

Not Enacted

LD 115 **An Act To Recognize the Metis Eastern Tribal Indian Society of Maine** **ONTP**

LD 507 **An Act Recognizing Native American Religion in Maine Prisons and Jails** **CARRIED OVER**

Uncategorized

Enacted

LD 216 **Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program** **RESOLVE 126**

LD 583 **An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty** **PUBLIC 140**

LD 588 **An Act To Allow Civil Penalties for Trespass while Engaging in Activities Regulated by Inland Fisheries and Wildlife** **PUBLIC 334**

LD 681 **An Act Concerning the Examination of Persons in Protective Custody** **PUBLIC 178**

LD 1138 **An Act To Prohibit Maine from Participating in the Federal REAL ID Act of 2005** **PUBLIC 251**

LD 1904 **An Act To Correct Errors and Inconsistencies in the Laws of Maine** **PUBLIC 466
EMERGENCY**

LD 1906 **An Act To Clarify the Authority of Boards and Committees** **PUBLIC 396
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Not Enacted

LD 1029 **An Act To Create the Maine Spyware Prevention Act** **ONTP**

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

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