

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

July 2007

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**STAFF:**

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

\*Representative Bonnie S. Gould replaced former Representative Abigail Holman on the Judiciary Committee.

# STATE OF MAINE

123<sup>RD</sup> LEGISLATURE

FIRST REGULAR SESSION

## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

|   |   |
|---|---|
| CON RES XXX.....                              | Chapter # of Constitutional Resolution passed by both Houses            |
| CONF CMTE UNABLE TO AGREE.....                | Committee of Conference unable to agree; bill died                      |
| DIED BETWEEN BODIES.....                      | House & Senate disagree; bill died                                      |
| DIED IN CONCURRENCE.....                      | One body accepts ONTP report; the other indefinitely postpones the bill |
| DIED ON ADJOURNMENT.....                      | Action incomplete when session ended; bill died                         |
| EMERGENCY.....                                | Enacted law takes effect sooner than 90 days                            |
| FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... | Emergency bill failed to get 2/3 vote                                   |
| FAILED ENACTMENT/FINAL PASSAGE.....           | Bill failed to get majority vote  |
| FAILED MANDATE ENACTMENT.....                 | Bill imposing local mandate failed to get 2/3 vote                      |
| NOT PROPERLY BEFORE THE BODY.....             | Ruled out of order by the presiding officers; bill died                 |
| INDEF PP.....                                 | Bill Indefinitely Postponed   |
| ONTP (or Accepted ONTP report).....           | Ought Not To Pass report accepted                                       |
| OTP-ND.....                                   | Committee report Ought To Pass In New Draft                             |
| P&S XXX.....                                  | Chapter # of enacted Private & Special Law                              |
| PASSED.....                                   | Joint Order passed in both bodies                                       |
| PUBLIC XXX.....                               | Chapter # of enacted Public Law   |
| RESOLVE XXX.....                              | Chapter # of finally passed Resolve                                     |
| UNSIGNED.....                                 | Bill held by Governor   |
| VETO SUSTAINED.....                           | Legislature failed to override Governor's Veto                          |

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

## *Joint Standing Committee on Judiciary*

**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.