

MAINE STATE LEGISLATURE

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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

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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

123RD 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 123rd 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 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.