

# 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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\*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 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.