

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

August 2017

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STATE OF MAINE

128TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

Uniform Trust Code provides that a charitable organization is a qualified beneficiary if it would be a distributee or permissible distributee of the trust if the trust were to terminate on that date. This bill amends the current law to be consistent with the Uniform Trust Code, making it clear that the determination is based on whether the charitable organization would be a distributee or permissible distributee if the trust were to terminate on the date that the beneficiary status determination is being made.

Enacted Law Summary

Public Law 2017, chapter 39 implements a recommendation of the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-A, section 1-803, subsection 2. Chapter 39 addresses the rights of a charitable organization to enforce a trust of which it is a beneficiary by clarifying that determination of whether the charitable organization would be a distributee or permissible distributee is made based on its status if the trust were to terminate on the date the determination is being made.

LD 348 An Act To Increase Consumer Protection for Time-share Owners **Accepted Majority (ONTP) Report**

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

This bill amends the law governing time shares in the following ways.

1. It grants a person who purchases a time share from a developer the right to sell the time share back to the developer at fair market value after expiration of the sale cancellation period.
2. It prohibits the developer or an entity wholly or partially owned by the developer from serving as the manager of the time-share project.
3. It limits the liability of a time-share owner for assessments levied against the time-share unit for maintenance, taxes or fines to the fair market value of the time share.

LD 362 An Act To Allow Relative Caregivers Standing in Court **ONTP**

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

This bill specifies that a relative caregiver involved in a child protection proceeding has an unconditional right to intervene and to obtain the rights of a party in the proceeding.

LD 363 An Act To Make a Child Living with a Custodial Relative Caregiver Eligible for State-paid Legal Services **ONTP**

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

This bill provides that a child who is the subject of a child protection proceeding and who is living with a relative has a right to legal counsel at state expense during the child protection proceeding.