

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

LD 457 An Act To Repeal the Sunset Date on the Children's Guardians Ad Litem Law

**PUBLIC 138
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP-AM	H-152

This bill repeals the sunset date of October 1, 2017 in the law regarding children's guardians ad litem.

Committee Amendment "A" (H-152)

This amendment adds an emergency preamble and emergency clause to the bill to ensure that the law governing children's guardians ad litem in the Maine Revised Statutes, Title 4 is not repealed before this legislation takes effect.

Enacted Law Summary

Public Law 2017, chapter 138 repeals the sunset date of October 1, 2017, in the law regarding children's guardians ad litem.

Public Law 2017, chapter 138 was enacted as an emergency measure effective June 7, 2017.

LD 472 An Act Regarding Parental Rights

**Died Between
Houses**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E	ONTP OTP-AM	

This bill amends the law to stipulate that parents have a fundamental right to make decisions concerning the upbringing, education and care of their minor children and requires courts to order shared parental rights and responsibilities unless the limitation of one parent's fundamental rights is supported by a compelling state interest and narrowly tailored to serve that interest through the least restrictive means possible.

Committee Amendment "A" (H-441)

This amendment, which is the minority report of the committee, strikes the portion of the bill requiring a court to order shared parental rights and responsibilities in a divorce or parental rights and responsibilities proceeding unless it finds a compelling state interest to justify an alternative arrangement. The amendment instead provides that the State or a political subdivision of the State may not infringe a parent's fundamental right to direct the care, custody and control of the parent's child unless the infringement is justified by a compelling state interest and narrowly tailored to achieve that compelling state interest through the least restrictive means necessary.

This amendment was not adopted.