

MAINE STATE LEGISLATURE

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*State Of Maine
120th Legislature*

First Regular Session

Bill Summaries

*Joint Standing Committee
on
Judiciary*

August 2001

Members:

Sen. Anne M. Rand, Chair

Sen. Michael J. McAlevey

Sen. Norman K. Ferguson, Jr.

Rep. Charles C. LaVerdiere, Chair

Rep. Thomas D. Bull

Rep. Patricia T. Jacobs

Rep. Charles E. Mitchell

Rep. Christopher T. Muse

Rep. Deborah L. Simpson

Rep. David R. Madore

Rep. G. Paul Waterhouse

Rep. Stavros J. Mendros

Rep. Roger L. Sherman

Rep. Donna M. Loring

Staff:

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Maine State Legislature
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120th Legislature
First Regular Session

Summary Of Legislation Before The Joint Standing Committees
August 2001

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing select committees of the Maine Legislature this past session. The document is a compilation of bill summaries which describe each bill and relevant amendments, as well as the final action taken. Also included are statistical summaries of bill activity this session for the Legislature and each of its joint standing committees.

The document is organized for convenient reference to information on bills considered by the committees. It is organized by committees and within committees by bill (LD) number. The committee report(s), prime sponsor for each bill and the lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are listed by paper number. Two indices, a subject index and a numerical index by LD number are provided for easy reference to bills. They are located at the back of the document. A separate publication, History and Final Disposition of Legislative Documents, may also be helpful in providing information on the disposition of bills. These bill summaries also are available at the Law and Legislative Reference Library and on the Internet (www.state.me.us/legis/opla).

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:

CARRIED OVER..... *Bill Carried Over to Second Regular Session*
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..... *Ought Not To Pass report accepted*
OTP ND..... *Committee report Ought To Pass In New Draft*
OTP ND/NT..... *Committee report Ought To Pass In New Draft/New Title*
P&S XXX..... *Chapter # of enacted Private & Special Law*
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 the effective date for all non-emergency legislation enacted in the First Regular Session (unless otherwise specified in a particular law) is **September 21, 2001**.

David E. Boulter, Director
 Offices Located in the State House, Rooms 101/107/135

Joint Standing Committee on Judiciary

LD 1064

An Act Regarding Property Tax Liens

INDEF PP

<u>Sponsor(s)</u> MURPHY E		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1064 proposed to require a lien on real estate to be placed in the name of the new owner if the assessor or person placing the lien possesses written notice of the change in ownership.

This bill was not referred to a committee.

LD 1066

An Act to Protect Children and Incapacitated or Dependent Adults

PUBLIC 345

<u>Sponsor(s)</u> SULLIVAN LAFOUNTAIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-498
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LD 1066 proposed to impose a duty on every person to report suspected cases of abuse, neglect or exploitation of an incapacitated, dependent or elderly adult or of any child to either the Department of Human Services or a law enforcement agency. The bill proposed to repeal the laws authorizing optional reporting of abuse.

Committee Amendment "A" (H-498) proposed to replace the bill. It proposed to revise the mandatory reporting laws for both child abuse and neglect and incapacitated or dependent adult abuse, neglect and exploitation to require a person who has full, intermittent or occasional responsibility for the care or custody of the child or the adult to report suspected abuse, neglect or exploitation.

Enacted law summary

Public Law 2001, chapter 345 revises the mandatory reporting laws for both child abuse and neglect and incapacitated or dependent adult abuse, neglect and exploitation to require a person who has full, intermittent or occasional responsibility for the care or custody of the child or the adult to report suspected abuse, neglect or exploitation. This applies whether or not the person is being paid for the services. The new language includes babysitters and day care providers and all other persons who provide similar care.

See also LD 1793 and HP 1385.

LD 1068

An Act to Clarify the Laws Relating to Corporate and Other Entities

PUBLIC 66

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-75
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Joint Standing Committee on Judiciary

LD 1068 proposed to make several minor changes to the laws relating to filing of corporation and other business entity documents with the Secretary of State.

Committee Amendment "A" (H-75) proposed to clarify that the resignation of a registered agent takes effect when the certificate is filed with the Secretary of State.

Enacted law summary

Public Law 2001, chapter 66 clarifies the requirement for listing the management of a corporation when restating its articles of incorporation, changes the fee for a foreign corporation when it changes its registered or principal office, further clarifies the information required in an affidavit for the resignation of a registered agent for limited partnerships and limited liability partnerships, and clarifies that the resignation of a registered agent takes effect when the certificate is filed with the Secretary of State.

LD 1070

An Act to Require Background Checks for Adoptions

PUBLIC 52

<u>Sponsor(s)</u>		<u>Committee Report</u>		<u>Amendments Adopted</u>
		OTP-AM		H-54

LD 1070 is a recommendation of the Family Law Advisory Commission.

LD 1070 proposed to require prospective adoptive parents to undergo a background check, including child protective and criminal history checks, prior to finalization of the adoption.

Committee Amendment "A" (H-54) proposed to clarify that the new language requiring background checks for prospective adoptive parents who are not the biological parents of the child would not give the Probate Court the authority to order the background check for the biological parent who is also currently the legal parent of the child.

Enacted law summary

Public Law 2001, chapter 52 is a recommendation of the Family Law Advisory Commission. It requires prospective adoptive parents to undergo a background check prior to finalization of the adoption. The probate judge shall request the Department of Human Services to review the child protective files and shall request the State Bureau of Identification to conduct a criminal history background check. The cost of reviewing the child protective services files by the Department of Human Services will be included in the adoption filing fee. The criminal history background check is based on the prospective adoptive parent's fingerprints and includes both Maine conviction data and national criminal history information from the Federal Bureau of Investigation. The State Police will identify appropriate local law enforcement agencies to take the fingerprints. The cost of doing the background checks will be included in the adoption petition filing fee.

The Department of Human Services and the State Police will report back to the probate judge with the results of the child protection records check and the criminal history background check. The probate judge will use the information obtained to determine if the adoption is in the best interests of the child. The information is confidential.