

# MAINE STATE LEGISLATURE

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*State Of Maine  
121st Legislature*

*Second Regular Session and  
Second Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*May 2004*

**Members:**

*Sen. Peggy A. Pendleton, Chair*

*Sen. Mary R. Cathcart*

*Sen. Chandler E. Woodcock*

*Rep. William S. Norbert, Chair*

*Rep. Thomas D. Bull*

*Rep. Deborah L. Simpson*

*Rep. Philip R. Bennett, Jr.*

*Rep. Stan Gerzofsky*

*Rep. Janet T. Mills*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Brian M. Duprey*

*Rep. Joan Bryant-Deschenes*

*Rep. Donna M. Loring*

**Staff:**

*Margaret J. Reinsch, Senior Analyst*

*Office of Policy and Legal Analysis*

*13 State House Station*

*Augusta, ME 04333*

*(207) 287-1670*

*Maine State Legislature*



*Office Of Policy And Legal Analysis  
Office Of Fiscal And Program Review*

*121st Maine Legislature  
Second Regular Session and  
Second Special Session*

*Summary Of Legislation Before The Joint Standing Committees*

Enclosed please find a summary of all bills, resolves, joint study orders, joint resolutions and Constitutional resolutions that were considered by the joint standing and joint 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 arranged alphabetically by committee name 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/billsumm.htm](http://www.state.me.us/legis/opla/billsumm.htm)).

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..... 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 all non-emergency legislation enacted in the Second Regular Session (unless otherwise specified in a particular law) is April 30, 2004; and non-emergency legislation enacted in the Second Special Session is July 30, 2004. Four bills (LD's 1572, 1629, 1636 and 1637) that were considered at the First Special Session in August 2003 are also included in these summaries.

*David C. Elliott, Director*  
**Offices located in Room 215 of the Cross Office Building**

*Joint Standing Committee on Judiciary*

**LD 1765**

**An Act To Clarify the Responsibilities under the Adult Protective Services Act**

**PUBLIC 653**

<u>Sponsor(s)</u> NORBERT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-887
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LD 1765 proposed to clarify the reporting requirements under the Adult Protective Services Act by making the reporting requirements individual to the reporter, similar to the requirements that currently exist for the reporting of abuse, neglect and exploitation in facilities. It also proposed to clarify the relationship between the Adult Protective Services Act and other state and local laws regarding confidential or privileged information and specify the types of information the department may receive as part of an investigation or protective proceeding. It also proposed to revise definitions to better reflect the population served by the Adult Protective Services Act.

**Committee Amendment "A" (H-887)** proposed to add language to the adult protective services program policy and legislative intent provisions to make it clear that federal confidentiality protections supersede conflicting state requirements to report abuse, neglect or exploitation of incapacitated or dependent adults.

The amendment proposed to extend a professional's discretion to report in situations in which the individual being treated is the known or suspected victim of the abuse, neglect or exploitation, and the individual is not incapacitated.

The amendment proposed to abrogate certain confidentiality requirements to the extent authorized under federal law in relation to required reporting or cooperating with the department in an investigative or other protective activity.

***Enacted Law Summary***

Public Law 2003, chapter 653 amends the Adult Protective Services Act regarding reporting requirements, the relationship between the Adult Protective Services Act and other state and local laws regarding confidential or privileged information and the types of information the department may receive as part of an investigation or protective proceeding.

Chapter 653 clarifies that federal confidentiality protections supersede conflicting state requirements to report abuse, neglect or exploitation of incapacitated or dependent adults. It abrogates the confidential quality of communications provided by statute with regard to hospitals, health maintenance organizations, dentists and social workers to the extent authorized under federal law in relation to required reporting or cooperating with the department in an investigative or other protective activity.

**LD 1767**

**An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships**

**PUBLIC 631  
EMERGENCY**

<u>Sponsor(s)</u> NORTON		<u>Committee Report</u> OTP-AM MAJ ONTP MIN		<u>Amendments Adopted</u> H-771 H-819 NORBERT
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