

# MAINE STATE LEGISLATURE

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*State Of Maine  
122nd Legislature*

*First Regular Session and  
First Special Session*

*Bill Summaries*

*Joint Standing Committee  
on  
Judiciary*

*August 2005*

**Members:**

*Sen. Barry J. Hobbins, Chair*

*Sen. Lynn Bromley*

*Sen. David R. Hastings III*

*Rep. Deborah L. Pelletier-Simpson,  
Chair*

*Rep. Sean Faircloth*

*Rep. Stan Gerzofsky*

*Rep. Marilyn E. Canavan*

*Rep. Mark E. Bryant*

*Rep. Michael Edward Dunn*

*Rep. Roger L. Sherman*

*Rep. Roderick W. Carr*

*Rep. Joan Bryant-Deschenes*

*Rep. Joan M. Nass*

*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 & LEGAL ANALYSIS

13 State House Station, Room 215 Cross State Office Building
Augusta, Maine 04333-0013
Telephone: (207) 287-1670
Fax: (207) 287-1275

122nd Legislature
First Regular Session and First Special Session

Summary of Legislation Considered by the Joint Standing Committees
August 2005

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 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.

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 June 29, 2005; and for non-emergency legislation enacted in the First Special Session is September 17, 2005.

## Joint Standing Committee on Judiciary

**LD 1120**                      **An Act Regarding the Reporting of Abuse and Neglect**                      **ONTP**

<u>Sponsor(s)</u> GROSE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1120 proposed to add to the list of people required to report suspected child abuse a staff person working at a domestic violence shelter and a professional in the field of domestic violence.

**LD 1177**                      **An Act To Limit the Early Release of Persons Convicted of Certain CARRIED OVER Crimes**

<u>Sponsor(s)</u> WOODCOCK		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1177 proposed to require that before a person who has been found not criminally responsible for the crime of murder or a Class A crime by reason of mental disease or mental defect may be released from institutional commitment, the Department of Health and Human Services must identify the level of supervision needed to ensure that the person takes any medication as prescribed and complies with any other conditions of release. The bill also proposed to require that the court order for release direct the Department of Health and Human Services to provide the necessary level of supervision.

This bill was carried over by H.P. 1203 to any special or regular session of the 122<sup>nd</sup> Legislature.

**LD 1179**                      **An Act Concerning Persons Who Hold Durable Powers of Attorney or Act as Responsible Parties for Residents of Long-term Care Facilities**                      **PUBLIC 283 EMERGENCY**

<u>Sponsor(s)</u> MARTIN		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-248
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LD 1179 proposed to establish duties on the part of persons who hold durable powers of attorney or act as responsible parties for residents of long-term care facilities and provide mechanisms for enforcing those duties. The bill also proposed to permit collection of attorney's fees and costs from persons who breach the duties established by this bill.

**Committee Amendment "A" (S-248)** proposed to replace the bill and convert the bill into emergency legislation. It proposed to provide specific language authorizing a petition for a protective order from the Probate Court to initiate court consideration, accounting and remediation of actions taken by a person responsible for the property or affairs of another person.

### *Enacted law summary*

Public Law 2005, chapter 283 provides specific language authorizing a petition for a protective order from the Probate Court to initiate court consideration, accounting and remediation of actions taken by a person responsible