

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2007

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*Representative Bonnie S. Gould replaced former Representative Abigail Holman on the Judiciary Committee.

STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

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 (or Accepted ONTP report).....	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 non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Judiciary

LD 200 Resolve, To Direct the Study of Providing Additional Background Information to the Probate Court

**RESOLVE 74
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES DIAMOND	OTP-AM	H-339

LD 200 allows probate courts to access nonconviction data from a criminal justice agency.

Committee Amendment "A" (H-339)

This amendment replaces the bill with a resolve directing the Department of Public Safety, Bureau of State Police to convene a working group to look at providing the Probate Court access to criminal history information that the Probate Court will use in determining whether an individual should be appointed as a guardian or a conservator. After reviewing the state and federal laws, the working group shall report to the Joint Standing Committee on Judiciary no later than December 15, 2007. The committee may submit legislation after receiving the report.

Enacted Law Summary

Resolve 2007, chapter 74 directs the Department of Public Safety, Bureau of State Police to convene a working group to look at providing the Probate Court access to criminal history information that the Probate Court will use in determining whether an individual should be appointed as a guardian or a conservator. After reviewing the state and federal laws, the working group shall report to the Joint Standing Committee on Judiciary no later than December 15, 2007. The committee may submit legislation after receiving the report.

Resolve 2007, chapter 74 was enacted as an emergency measure effective June 12, 2007.

LD 216 Resolve, To Establish the Council on Financial Literacy and Create a Financial Literacy Matching Grant Program

RESOLVE 126

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CANAVAN SULLIVAN	OTP-AM	H-554 S-348 MARTIN

LD 216 establishes a financial literacy program using excess funds from the Unclaimed Property Fund.

Committee Amendment "A" (H-554)

This amendment replaces the bill with a resolve and establishes the Council on Financial Literacy, and authorizes the council to award matching grants for financial literacy programs using one-time funds in fiscal years 2007-2008 and 2008-2009 from unallocated funds of the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment authorizes the council to apply for and raise additional funds to sustain its matching grants program.

Senate Amendment "A" (S-348)

This amendment adds a second Legislator to the Council on Financial Literacy and requires that one Legislator be a member of the Senate and one member a member of the House of Representatives.

Enacted Law Summary

Resolve 2007, chapter 126 establishes the Council on Financial Literacy, and authorizes the council to award

Joint Standing Committee on Judiciary

matching grants for financial literacy programs using one-time funds in fiscal years 2007-2008 and 2008-2009 from unallocated funds of the Department of Professional and Financial Regulation, Office of Consumer Credit Regulation. The amendment authorizes the council to apply for and raise additional funds to sustain its matching grants program.

LD 223 An Act To Amend the Maine Tort Claims Act ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLUMMER DIAMOND	ONTP	

LD 223 amends the Maine Tort Claims Act by requiring a school administrative unit, without waiving immunity, to require insurance coverage for an injury to a student who is injured on a playground during normal school hours when students are allowed on the playground and when staff is required to be present.

LD 254 An Act To Restrict Takings under Eminent Domain ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANNIS SMITH D	ONTP	

LD 254 amends the current law that provides the right of first refusal for the former owner of a property when the property is not used for the project or purpose for which it was taken by eminent domain. LD 254 requires that the price to be paid by the former owner must be equal to the price paid to the owner when the property was taken; no adjustments are made for improvements or inflation. LD 254 also prohibits the condemnation of property occupied by a business in excess of what is absolutely necessary for the project or purpose for which the power of eminent domain is exercised.

LD 255 An Act Concerning Litigation Brought by the Attorney General To Enforce Provisions of the Forest Practices Laws ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLOOD HOBBINS	ONTP	

LD 255 allows the Department of Conservation, Bureau of Forestry to recover court costs when an action or proceeding brought by the Attorney General on the bureau's behalf prevails.

LD 275 An Act To Protect Child Victims of Sexual Abuse ONTP

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

LD 275 amends the law concerning the admissibility of out-of-court statements by certain victims of sexual assault in criminal prosecutions. LD 275 allows the admission of statements made by the victim to another person when the statements are not considered testimonial. LD 275 allows the person to whom the statement was made to repeat the statement in testimony in open court if the statement was made in circumstances having