

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 391 **Resolve, To Study Adoption Laws and Practices**

**DIED BETWEEN
HOUSES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM MAJ ONTP MIN	

LD 391 creates the Adoption Laws and Practices Task Force. The task force consists of three Legislators and 14 other members representing various participants in the adoption process. The task force is charged with reviewing all the laws and practices relating to adoption, proposing a revision of the laws and proposing a comprehensive public policy concerning adoption.

Committee Amendment "A" (H-586)

This amendment revises the membership of the task force to consist of a total of 13 members: three Legislators, two members representing adoptees, two members representing birth parents, two members representing adoptive parents, two members representing adoption agencies, one member representing sexual assault victims' services providers and one member representing Probate Courts and probate registers. This task force may establish a non-voting advisory stakeholders group to provide advice to the task force. This amendment also makes revisions consistent with the requirements of Joint Rule 353.

Senate Amendment "A" (S-336)

This amendment strikes the emergency preamble and the emergency clause from the resolve and delays the date by which the task force is first to be convened. (Not adopted)

LD 397 **An Act To Limit Liability for the Performance of Community Service**

PUBLIC 275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLEARY	OTP-AM	H-342

Current law limits the liability of charitable organizations for damages caused by a juvenile participating in a supervised work or service program or performing community service. LD 397 extends the limitation of liability to adults participating in such programs and clarifies that the limitation of liability extends to the State and its political subdivisions.

Committee Amendment "A" (H-342)

This amendment deletes from the bill language pertaining to public entities because they are already immune from suit under the Maine Tort Claims Act. It also deletes language concerning "charitable institution" to retain the current law referring to charitable organization as the defined term in the statute.

Enacted Law Summary

Public Law 2007, chapter 275 limits the liability of charitable organizations for damages caused by adults participating in a supervised work or service program or performing community service.