

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123<sup>rd</sup> 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

123<sup>RD</sup> 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 123<sup>rd</sup> 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 581 An Act To Amend the Laws Pertaining to Improvident Transfers

ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| MILLS J           | ONTP                    |                           |

LD 581 increases from 60 years of age to 65 years of age the earliest age at which a person who is dependent on others must be represented by independent counsel to avoid a presumption of undue influence when that person transfers real or personal property or money for less than full consideration or execution of a guaranty.

### LD 583 An Act To Permit Medical and Social Service Professionals To Report Animal Cruelty

PUBLIC 140

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SIMPSON           | OTP-AM                  | H-172                     |

LD 583 gives those professionals who are already mandated reporters of adult or child abuse, neglect or exploitation and social service agencies under contract with the Department of Health and Human Services the option of also disclosing such limited confidential information related to a reasonable suspicion of animal cruelty, abuse or neglect as would be needed by a local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources to begin an investigation. LD 583 bill extends the existing good faith immunity provision to the reporters of animal cruelty, abuse or neglect that are social service agencies under contract with the Department of Health and Human Services. In addition, LD 583 permits employees of the Department of Health and Human Services to disclose the same information to local animal control officers or to the animal welfare program of the Department of Agriculture, Food and Rural Resources.

#### Committee Amendment "A" (H-172)

This amendment clarifies that the immunity provided for good faith reporting that is established in the Maine Revised Statutes, Title 34-B is available as a defense to any civil or criminal action brought against a reporter of animal cruelty, abuse or neglect. Because the reporting is permissive, this amendment deletes the requirement that a report must be made as soon as possible when an immediate response is judged to be necessary.

#### Enacted Law Summary

Public Law 2007, chapter 140 gives those professionals who are already mandated reporters of adult or child abuse, neglect or exploitation and social service agencies under contract with the Department of Health and Human Services the option of also disclosing such limited confidential information related to a reasonable suspicion of animal cruelty, abuse or neglect as would be needed by a local animal control officer or the animal welfare program of the Department of Agriculture, Food and Rural Resources to begin an investigation. The existing good faith immunity provision is extended to the reporters of animal cruelty, abuse or neglect that are social service agencies under contract with the Department of Health and Human Services. In addition, employees of the Department of Health and Human Services are permitted to disclose the same information to local animal control officers or to the animal welfare program of the Department of Agriculture, Food and Rural Resources.