

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 602

An Act To Clarify Confidentiality in Child Protective Proceedings

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERRY J	OTP-AM MAJ OTP-AM MIN	S-303

LD 602 allows the release of child protective information to a parent, custodian, caretaker or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. LD 602 allows that parent, custodian, caretaker or legal guardian to release that information to any person and for any purpose. LD 602 removes the designation of confidentiality that applies to the proceedings, records and conclusions of the child death serious injury review panel. LD 602 requires courts in child protective proceedings to allow into the proceedings a person designated by a parent, custodian, caretaker or legal guardian.

Committee Amendment "B" (S-304)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment allows the release of child protective information to a parent, custodian, caretaker or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. The amendment allows that parent, custodian, caretaker or legal guardian to release that information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in the current child protective action. The amendment permits courts in child protective proceedings to allow into the proceedings a person designated by a parent, custodian, caretaker or legal guardian as long as no objection is raised by the child or other parties and that presence is not detrimental to any of the other parties. Any person present in the court must abide by the rules of the court.

This amendment directs the Commissioner of Health and Human Services to submit the amended Maine State Plan for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved. (Not adopted)

Committee Amendment "A" (S-303)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment allows the release of child protective information to a parent or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. The amendment allows that parent or legal guardian to release that information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in the current child protective action. This amendment directs the Commissioner of Health and Human Services to submit the amended Maine State Plan for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved.

Enacted Law Summary

Public Law 2007, chapter 335 allows the release of child protective information to a parent or legal guardian of a child who is the subject of a child protective action within the Department of Health and Human Services. That parent or legal guardian may release that information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in the current child protective action. The Commissioner of Health and Human Services will submit the amended Maine State Plan, which will include the new disclosure provisions, for federal approval. The rest of the Act does not take effect until February 1, 2008 to provide sufficient time for action should the plan not be approved.