

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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

**MEMBERS:**

SEN. BARRY J. HOBBS, CHAIR  
SEN. JOHN M. NUTTING  
SEN. DAVID R. HASTINGS III

REP. DEBORAH L. SIMPSON, CHAIR  
REP. JANET T. MILLS  
REP. MARK E. BRYANT  
REP. MICHAEL EDWARD DUNN  
REP. ALAN M. CASAVANT  
REP. CYNTHIA A. DILL  
REP. BONNIE S. GOULD\*  
REP. JOAN M. NASS  
REP. ROBERT A. BERUBE  
REP. LAWRENCE E. JACOBSEN  
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

\*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

The Supreme Judicial Court may increase filing fees to pay for mediation. This amendment clarifies that the provisions of the bill apply to forcible entry and detainer when used in mobile home evictions. This amendment requires the Court Alternative Dispute Resolution Service to report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2009 about the efficiency and use of the mediation program.

This amendment establishes an effective date of January 1, 2008.

### Enacted Law Summary

Public Law 2007, chapter 246 allows the court to order mediation prior to a trial in a landlord-tenant forcible entry and detainer court trial. The Court Alternative Dispute Resolution Service will provide the mediators for the mediations. The Supreme Judicial Court may adopt rules of procedure for landlord-tenant mediation, and may increase filing fees to pay for mediation. The mediation provisions also apply to forcible entry and detainer when used in mobile home evictions. The Court Alternative Dispute Resolution Service will report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 15, 2009 about the efficiency and use of the mediation program.

Public Law 2007, chapter 246 is effective January 1, 2008.

### LD 681 An Act Concerning the Examination of Persons in Protective Custody

PUBLIC 178

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP	

Current law requires that a law enforcement officer who seeks to have a person involuntarily committed to a mental health hospital on an emergency basis must have that person examined by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist for the purpose of determining whether that person poses a likelihood of serious harm. A related section of law says that this examination may be performed only by a licensed physician or a licensed clinical psychologist if the examination is performed outside a hospital emergency room. LD 681 allows the examination to be performed by any of the health care professionals authorized to conduct such examinations, whether the examination is performed in a hospital emergency room or elsewhere.

### Enacted Law Summary

Public Law 2007, chapter 178 provides that the examination of a person recommended for involuntary commitment may be conducted by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist for the purpose of determining whether that person poses a likelihood of serious harm, regardless of whether the examination takes place in a hospital emergency room or elsewhere.

### LD 684 An Act To Permit Medical Providers an Opportunity To Express Regret for a Medical Error

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P		

LD 684 makes a one-time General Fund appropriation of \$75,000 in fiscal year 2007-08 for the Commissioner of Health and Human Services to issue grants to develop communication programs and procure information technology

## Joint Standing Committee on Judiciary

products to assist health care providers in disclosing medical errors and to improve patient safety. LD 684 also makes privileged and immune from discovery an expression of regret or apology or an explanation of how a medical error occurred made by a health care provider if it is provided within 14 days of when the provider knew or should have known of the consequences of the error. LD 684 bill further establishes the Medical Error Disclosure and Compensation Program, which creates a system that allows health care providers, facilities and medical malpractice insurers to disclose medical errors and negotiate compensation with the subject patient without the threat of litigation, and directs the Commissioner of Health and Human Services to create a patient safety database.

LD 684 is carried over pursuant to Joint Order, HP 1369.

### LD 685 An Act To Amend the Maine Human Rights Act

PUBLIC 243

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-162

LD 685 amends the Maine Human Rights Act to correct typographical errors, clarify the protections of the act, make certain Maine Human Rights Commission records confidential and prohibit unreasonable housing practices that have a disparate impact on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments.

#### Committee Amendment "A" (S-162)

This amendment deletes section 2 of the bill, which amends the law concerning unlawful housing discrimination to include the refusal to furnish rental premises or public accommodations to an individual receiving federal, state or local public assistance because of any requirement of that public assistance program.

The bill as amended was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to MRSA Title 1, §434, which requires review and evaluation of new exceptions to laws governing public records.

#### Enacted Law Summary

Public Law 2007, chapter 243 amends the Maine Human Rights Act to correct typographical errors, clarify the protections of the act, make certain Maine Human Rights Commission records confidential and prohibit unreasonable housing practices that have a disparate impact on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, country of ancestral origin, familial status or the receipt of public assistance payments.

### LD 708 An Act To Amend the Laws Concerning the Emancipation of Minors BY REQUEST

ONTP

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

LD 708 repeals the laws that allow a minor 16 years of age or older to petition the court to be emancipated.