

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

Enacted Law Summary

Public Law 2007, chapter 449 requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments that were not funded in fiscal years 03-04 and 04-05. The unfunded liability costs associated with this legislation will be paid from the surplus in the Maine Judicial Retirement System. The employee contribution is based on the compensation actually paid and not on the imputed cost-of-living adjustments. Chapter 449 applies to judges who were sitting as of June 30, 2005 and who retire on or after the effective date of this Act. Chapter 449 also authorizes Personal Services funds to carry forward into fiscal year 2007-2008 and offsets the General Fund costs in the 2008-2009 biennium with one-time deappropriations from the Judicial Department.

LD 1689 An Act To Amend the Child and Family Services and Child Protection Act

PUBLIC 371

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PLOWMAN	OTP-AM	S-247

LD 1689 amends the Child and Family Services and Child Protection Act by expanding the status of relatives in the determination of placement of a child.

Committee Amendment "A" (S-247)

This amendment strikes from the bill provisions that propose to change the standard for determining the appropriateness of the placement of a child when in the custody of the State in a child protection proceeding. Retained are provisions expanding the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It also retains the change to mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

Enacted Law Summary

Public Law 2007, chapter 371 expands the status of relatives in the determination of placement of a child by the Department of Health and Human Services. It provides for mandatory disclosure of information to a relative or other person whom the department is investigating for possible custody or placement of the child.

LD 1695 An Act To Amend the Laws Regarding the Conveyance of Manufactured Housing

ACCEPTED ONTP
REPORT

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

LD 1695 affects new HUD-code manufactured housing, providing for the conveyance of the manufactured housing by deed to the consumer, and the recording of the deeds in the applicable county registry of deeds. LD 1695 also provides for deeds of relocation where there is no change of ownership and statements of relocation of the manufactured housing out of state. Forms for deeds and statements are included. LD 1695 makes it clear that title passes to the new owner upon the installation of the manufactured housing and connection of the manufactured housing to the required utilities.

Committee Amendment "A" (S-310)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment removes the provision for the creation of a security interest in HUD-code manufactured housing under the Uniform Commercial

Joint Standing Committee on Judiciary

Code as an alternative to a real estate mortgage. This amendment limits the exemption from the real estate license law to transactions in HUD-code manufactured housing. This amendment mandates the conveyance by deed of HUD-code manufactured housing to a consumer and incorporates the transformation from personal property to real estate caused by the conveyance into the sales and real estate transfer tax laws. This amendment clarifies that all kinds of deeds are available for transfers of title in HUD-code manufactured housing, adds parentheses to the provisions for spousal joinder in the deed forms to remove any suggestion that spousal rights are created in the forms. It also removes the limitation to transfers occurring prior to installation to the requirement of transfer of HUD-code manufactured housing by deed to a consumer and exempts from the real estate transfer tax original transfers by deed of HUD-code manufactured housing to a consumer that are subject to sales tax. This amendment also repeals the language establishing a titling process in the Maine Revised Statutes, Title 29-A, originally enacted by Public Law 2005, chapter 678. The sections dealing with the titling process are repealed September 30, 2007. The provisions establishing the conveyancing by deed of HUD-code manufactured housing take effect January 1, 2008.

LD 1734 An Act To Provide Adult Adoptees Access to Information

ONTP

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

LD 1734 maintains the option of confidential adoption. It applies prospectively to allow birth parents to choose to keep the personally identifying information confidential by so stating at the time of the consent, surrender and release or termination of parental rights. The statement includes an acknowledgment that the birth parent knows that medical and family information can be added to the Probate Court records at any time, and such information will be available to the adoptive parents or the adoptee. The birth parent also acknowledges that the decision to keep the information confidential may be changed and therefore made available. LD 1734 provides that a birth parent may, at any time, provide current medical or other relevant information to the Probate Court to be made available to the adoptee and the adoptee's adoptive parents, descendants or legal guardian. LD 1734 also requires a family history form to be completed before biological parents may surrender and release a child. If the biological parents choose to maintain their records in confidentiality, then they must update the family history form every 10 years, until they reach 40 years of age, and every five years thereafter. Current law provides for the collection of information when an adopted child suffers a serious medical or mental illness. The Department of Health and Human Services, the licensed child-placing agency or other person who assisted in placing the child must attempt to obtain additional information and must provide that information to the adoptive parents. LD 1734 applies that requirement when the adoptee has reached 18 years of age and either the adoptee or the adoptee's descendant suffers a serious medical or mental illness for which the specific medical, psychological or social history of the biological parents or the adoptee may be useful in diagnosis or treatment.

See also LD 1084.

LD 1737 An Act To Amend the Conservation Easement Laws

PUBLIC 412

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PIOTTI	OTP-AM	H-490
		S-270 HOBBS
		S-305 DAMON

LD 1737 enacts changes to the laws governing the creation, alteration and termination of conservation easements. Under the bill, a court must find that a change of circumstances makes the conservation easement no longer in the public interest before the conservation easement may be terminated or amended in a manner that diminishes its