

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.

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under what circumstances the Attorney General may initiate action seeking enforcement of a conservation easement. It contains a provision regarding the confidentiality of documents and records obtained by the Attorney General in an action affecting a conservation easement. Chapter 412 directs the State Planning Office to establish and maintain a registry of conservation easements. It requires an annual filing of information about conservation easements by conservation easement holders to be made directly to the Executive Department, State Planning Office.

LD 1741 An Act To Update the Maine Business Corporation Act

PUBLIC 289

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS	OTP-AM	S-178

LD 1741 amends the Maine Business Corporation Act to reflect changes made by the American Bar Association to the Model Business Corporation Act, on which the Maine Business Corporation Act is based.

LD 1741 also makes other changes to the Maine Business Corporation Act, including:

1. Adding definitions of "expenses," "public corporation" and "qualified director";
2. Allowing the delivery by a corporation of one copy of a notice, the articles of incorporation or bylaws to be delivered to a common address occupied by more than one shareholder and still satisfy the requirements that all shareholders receive the notice, articles or bylaws. A shareholder can opt out of this arrangement by providing written notice to the corporation;
3. Allowing, with the prior consent of shareholders, the inclusion in the articles of incorporation of a provision that allows action to be taken regarding the corporation without a meeting or notice to the shareholders; and
4. Changing the class or series of shares held by a shareholder for the purpose of limiting the appraisal rights of that shareholder.

Committee Amendment "A" (S-178)

This amendment makes a number of technical corrections to the bill as printed. It also puts into one section the various alternatives defining elements of the term "public corporation."

Enacted Law Summary

Public Law 2007, chapter 289 amends the Maine Business Corporation Act to reflect changes made by the American Bar Association to the Model Business Corporation Act, on which the Maine Business Corporation Act is based.

Chapter 289 also makes other changes to the Maine Business Corporation Act, including:

1. Adding definitions of "expenses," "public corporation" and "qualified director";
2. Allowing the delivery by a corporation of one copy of a notice, the articles of incorporation or bylaws to be delivered to a common address occupied by more than one shareholder and still satisfy the requirements that all shareholders receive the notice, articles or bylaws. A shareholder can opt out of this arrangement by providing written notice to the corporation;
3. Allowing, with the prior consent of shareholders, the inclusion in the articles of incorporation of a provision that allows action to be taken regarding the corporation without a meeting or notice to the shareholders; and
4. Changing the class or series of shares held by a shareholder for the purpose of limiting the appraisal rights of that

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shareholder.

LD 1747 An Act To Enact the Uniform Power of Attorney Act

CARRIED OVER

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

The Uniform Power of Attorney Act, "UPAA," replaces and expands the provisions relating to powers of attorney in Maine's Probate Code, currently in the Maine Revised Statutes, Title 18-A, article 5, Part 5. The UPAA does not contain provisions related to so-called durable health care powers of attorney as currently provided in article 5, Part 5 of Maine's Probate Code; however, UPAA does not affect Maine's Uniform Health-Care Decisions Act in article 5, Part 8 of Maine's Probate Code, which already, and concurrently, allows for the creation of so-called durable health care powers of attorney.

LD 1747 is carried over pursuant to Joint Order, HP 1369.

LD 1750 An Act To Amend the Statute of Limitations for Actions against Professional Land Surveyors

PUBLIC 345

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WESTON	OTP-AM	S-249

LD 1750 decreases the statute of limitations for which actions against a professional land surveyor may be brought from 20 years to 10 years.

Committee Amendment "A" (S-249)

This amendment deletes the reference to malpractice, leaving the civil actions appropriately referred to as "civil actions for professional negligence." This amendment also deletes the provision that allows the statute of limitations applicable to professional land surveyors to be revised by a contract. This amendment includes an application section to clarify that the statute of limitations applicable to an action is the statute of limitation that is in effect when a contract is completed or, if no contract, when the work is completed.

Enacted Law Summary

Public Law 2007, chapter 345 decreases the statute of limitations for which actions against a professional land surveyor may be brought from 20 years to 10 years. Chapter 345 includes an application section to clarify that the statute of limitations applicable to an action is the statute of limitation that is in effect when a contract is completed or, if no contract, when the work is completed.

LD 1771 Resolve, Directing the Family Law Advisory Commission To Develop Legislation Authorizing the Use of Parenting Coordinators

RESOLVE 69

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-345

LD 1771 allows a court to appoint a parenting coordinator in a child custody dispute if the court determines that the dispute is a high-conflict case or upon agreement of the parties. The parenting coordinator aids the parties in identifying and resolving issues in the parenting or custody of the child, and decisions by the coordinator may be overturned only by the court.