

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

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.

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-345)

This amendment replaces the bill with a resolve directing the Family Law Advisory Commission to work in consultation with other interested constituencies to develop legislation to authorize the use of parenting coordinators and report the recommended legislation to the Joint Standing Committee on Judiciary by December 15, 2007. The committee may submit legislation after receiving the report.

Enacted Law Summary

Resolve 2007, chapter 69 directs the Family Law Advisory Commission to work in consultation with other interested constituencies to develop legislation to authorize the use of parenting coordinators and report the recommended legislation to the Joint Standing Committee on Judiciary by December 15, 2007. The committee may submit legislation after receiving the report.

LD 1789 **An Act To Ratify the Revised Interstate Compact for the Placement of Children To Promote Compliance with the Federal Safe and Timely Interstate Placement of Foster Children Act of 2006**

PUBLIC 255

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	S-165

LD 1789 repeals the Interstate Compact on the Placement of Children adopted in 1961 and replaces it with the new Interstate Compact for the Placement of Children. This compact affects a child under 18 years of age who is being placed in a different state by a state that has been granted custody of the child, whether because the child has been found to be abused, neglected or deprived or because the child has been adjudicated as delinquent or unmanageable. The sending state must obtain the receiving state's approval before placement, and the sending state retains jurisdiction over and responsibility for the child after placement.

Committee Amendment "A" (S-165)

This amendment deletes provisions of the bill that repealed the existing Interstate Compact on Placement of Children, and retains cross-references to that compact. The revised Interstate Compact for the Placement of Children, included in the bill as the Maine Revised Statutes, Title 22, chapter 1154, does not become effective until at least 35 states ratify it. By retaining the existing compact, this amendment ensures that current law remains in place for the interstate placement of foster children. The existing compact will also govern placements with states that choose not to ratify the revised compact.

This amendment also makes changes to the child protective laws as required by the federal Safe and Timely Interstate Placement of Foster Children Act of 2006. These changes require foster parents, preadoptive families and relative care givers to be provided notice and the right to be heard at any proceeding concerning the child. Current law refers to an opportunity to be heard at any reviews or hearings.

This amendment also amends the definition of "foster parent" to be consistent with the requirements of federal law.

Enacted Law Summary

Public Law 2007, chapter 255 concerns the interstate placement of children. Chapter 255 enacts the revised Interstate Compact for the Placement of Children, but the Compact does not become effective until at least 35 states ratify it. The existing compact is retained to ensure that current law remains in place for the interstate placement of foster children. The existing compact will also govern placements with states that choose not to ratify the revised compact.

Chapter 255 also makes changes to the child protective laws as required by the federal Safe and Timely Interstate