

# MAINE STATE LEGISLATURE

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**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

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\*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

## 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

## Joint Standing Committee on Judiciary

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. Chapter 255 also amends the definition of "foster parent" to be consistent with the requirements of federal law.

**LD 1792      An Act To Limit the Compensation of Officers and Directors of Nonprofit Corporations** **CARRIED OVER**

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

LD 1792 seeks to ensure that the nonprofit corporate mission of a nonprofit corporation is not overshadowed by excessive compensation to directors and officers. It applies to nonprofit corporations that receive at least 25% of their total funding from one or more municipal, county, state or federal sources. LD 1792 prohibits nonprofit corporations from compensating an officer or director in excess of \$250,000 per year. Excessive compensation of a director or officer is added as a ground to dissolution of the nonprofit corporation pursuant to court order.

LD 1792 is carried over pursuant to Joint Order, HP 1369.

**LD 1806      An Act To Amend the Laws Relating to Corporations, Limited Partnerships, Limited Liability Companies and Limited Liability Partnerships** **PUBLIC 231  
EMERGENCY**

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

LD 1806 makes necessary changes to the laws relating to corporations, limited partnerships, limited liability companies, limited liability partnerships and general partnerships. LD 1806 makes uniform changes to filing fees that were changed in 2004 and 2005 that were not changed as part of the overhaul of fee changes. This adjustment of filing fees is necessary to make similar filing fees in all entity laws uniform. LD 1806 adds language to clarify that an entity must file all annual reports due and pay any outstanding fees or penalties due the Secretary of State prior to filing any dissolution or termination filing. LD 1806 also adds a provision to revive domestic entities after dissolution for a specific purpose and specific amount of time. LD 1806 also removes the requirement of a filing with the registers of deeds when cooperatives organize with the Secretary of State's office. Additionally, LD 1806 adds language necessary to correct discrepancies in the original drafting of the Uniform Limited Partnership Act of 2007, which will become effective July 1, 2007.

### Enacted Law Summary

Public Law 2007, chapter 231 makes necessary changes to the laws relating to corporations, limited partnerships, limited liability companies, limited liability partnerships and general partnerships. Chapter 231 makes uniform changes to filing fees that were changed in 2004 and 2005 that were not changed as part of the overhaul of fee changes. Chapter 231 clarifies that an entity must file all annual reports due and pay any outstanding fees or penalties due the Secretary of State prior to filing any dissolution or termination filing. It also provides the ability to revive domestic entities after dissolution for a specific purpose and specific amount of time. Chapter 231 removes the requirement of a filing with the registers of deeds when cooperatives organize with the Secretary of State's office. Chapter 231 corrects discrepancies in the original drafting of the Uniform Limited Partnership Act of 2007, which will become effective July 1, 2007.

Public Law 2007, chapter 231 was enacted as an emergency measure effective June 5, 2007.