

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

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.