

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
SECOND REGULAR AND FIRST SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed
during the Second Regular or First Special Sessions of the 123rd Maine
Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

May 2008

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STATE OF MAINE
123RD LEGISLATURE
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**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 Second Regular or First Special Sessions of the 123rd Maine Legislature.

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:

<i>CON RES XXX</i>	<i>Chapter # of Constitutional Resolution passed by both Houses</i>
<i>CONF CMTE UNABLE TO AGREE</i>	<i>Committee of Conference unable to agree; bill died</i>
<i>DIED BETWEEN BODIES</i>	<i>House & Senate disagree; bill died</i>
<i>DIED IN CONCURRENCE</i>	<i>One body accepts ONTP report; the other indefinitely postpones the bill</i>
<i>DIED ON ADJOURNMENT</i>	<i>Action incomplete when session ended; bill died</i>
<i>EMERGENCY</i>	<i>Enacted law takes effect sooner than 90 days</i>
<i>FAILED EMERGENCY ENACTMENT/FINAL PASSAGE</i>	<i>Emergency bill failed to get 2/3 vote</i>
<i>FAILED ENACTMENT/FINAL PASSAGE</i>	<i>Bill failed to get majority vote</i>
<i>FAILED MANDATE ENACTMENT</i>	<i>Bill imposing local mandate failed to get 2/3 vote</i>
<i>NOT PROPERLY BEFORE THE BODY</i>	<i>Ruled out of order by the presiding officers; bill died</i>
<i>INDEF PP</i>	<i>Bill Indefinitely Postponed; bill died</i>
<i>ONTP (or Accepted ONTP report)</i>	<i>Ought Not To Pass report accepted; bill died</i>
<i>P&S XXX</i>	<i>Chapter # of enacted Private & Special Law</i>
<i>PUBLIC XXX</i>	<i>Chapter # of enacted Public Law</i>
<i>RESOLVE XXX</i>	<i>Chapter # of finally passed Resolve</i>
<i>UNSIGNED</i>	<i>Bill held by Governor</i>
<i>VETO SUSTAINED</i>	<i>Legislature failed to override Governor's Veto</i>

The effective date for non-emergency legislation enacted in the Second Regular Session (R2) is June 30, 2008. The effective date for non-emergency legislation enacted in the First Special Session (S1) is July 18, 2008.¹ The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills. Any bill summarized in this document having an LD number less than 1932 was a bill carried over from the First Regular Session of the 123rd Legislature.

¹ The session in which each law was enacted or finally passed (R2 or S1) is included in Appendix C.

Joint Standing Committee on Judiciary

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

ONTP

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

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 1792 An Act To Require Disclosure of the Compensation of Officers and Directors of Public Benefit Nonprofit Corporations

PUBLIC 624

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SCHNEIDER	OTP-AM MAJ OTP-AM MIN	S-532

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.

Committee Amendment "A" (S-532)

This amendment is the majority report of the Joint Standing Committee on Judiciary, and it replaces the bill. It requires every public benefit nonprofit corporation organized in this State to publicly disclose the compensation of directors and officers that receive compensation of at least \$250,000 in any 12-month period if the corporation receives at least 25% of its funding from public sources. "Compensation" is defined to include all remuneration and benefits. The Secretary of State shall include a statement of this requirement relating to public benefit nonprofit corporations on its website and in any written communication with public benefit nonprofit corporations organized in this State.

Committee Amendment "B" (S-533)

This amendment is the minority report of the Joint Standing Committee on Judiciary. This amendment increases the maximum salary compensation that may be paid the directors and officers of nonprofit corporations from \$250,000 as proposed in the bill to \$300,000.

This amendment was not adopted.

Enacted Law Summary

Public Law 2007, chapter 624 requires every public benefit nonprofit corporation organized in this State to publicly disclose the compensation of directors and officers that receive compensation of at least \$250,000 in any 12-month period if the corporation receives at least 25% of its funding from public sources. "Compensation" is defined to include all remuneration and benefits. The Secretary of State shall include a statement of this requirement relating to public benefit nonprofit corporations on its website and in any written communication with public benefit nonprofit corporations organized in this State.