

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

LD 1813 An Act To Facilitate Collection of Money Owed to the State

PUBLIC 248

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS J	OTP-AM	H-346

LD 1813 enhances the authority of the Attorney General's office to engage in collections actions for debts, fines, penalties and other money owed to the State. The Attorney General's office is given the authority to add a fee, which is deposited in the General Fund, in its collecting of money owed the State in order to secure some reimbursement for the cost of pursuing payment. Seized property may be sold by the State.

Committee Amendment "A" (H-346)

This amendment deletes from the bill the proposed language to allow the State to add a fee to cover the costs of collecting money owed the State.

Enacted Law Summary

Public Law 2007, chapter 248 enhances the authority of the Attorney General's office to engage in collections actions for debts, fines, penalties and other money owed to the State. Seized property may be sold by the State. This amendment deletes from the bill the proposed language to allow the State to add a fee to cover the costs of collecting money owed the State.

LD 1822 An Act To Implement the Recommendations of the Right To Know Advisory Committee

PUBLIC 349

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-536

LD 1822 consists of the legislative recommendations of the Right To Know Advisory Committee.

LD 1822 requires certain elected officials to complete a training course on the State's freedom of access laws within 90 days of taking elected office beginning January 1, 2008. The bill requires that the Public Access Ombudsman, in conjunction with the Right To Know Advisory Committee, develop a training course of less than two hours using the State's publicly accessible website to be available at no cost to the elected official. The bill also requires that elected officials send electronic notification to the ombudsman upon completion of the training and further requires the ombudsman to make a record of those elected officials who have completed the training available to the public.

LD 1822 establishes the Public Access Division and the Public Access Ombudsman within the Department of the Attorney General. The ombudsman is required to provide information and educational materials and programs to the public, as well as to public agencies and officials, in cooperation with the Right To Know Advisory Committee. The ombudsman will respond to informal inquiries, resolve freedom of access complaints when possible and issue advisory opinions concerning the State's freedom of access laws. The ombudsman is not permitted to issue an advisory opinion on an issue that is the subject of a lawsuit filed under the freedom of access laws. The ombudsman must make the advisory opinions available to the public once they are distributed to the persons requesting the advisory opinion and the parties involved. The ombudsman is required to make recommendations concerning ways to improve public access to public records and public proceedings. The ombudsman may request the assistance of any public agency or official in carrying out these responsibilities. The ombudsman may access records that a public agency or official believes are confidential in order to determine whether the records may be released to the public. Records that would be confidential if they were in the possession or custody of a public agency or official are confidential if those records are in the possession of the ombudsman. The ombudsman shall maintain the

Joint Standing Committee on Judiciary

confidentiality of confidential records and information provided to the ombudsman.

Beginning in March 2008, the ombudsman is required to report annually to the Legislature and the Right To Know Advisory Committee regarding the ombudsman's activities and the inquiries and complaints received. The report must also include recommendations concerning ways to improve public access to public records and proceedings.

Committee Amendment "A" (H-536)

This amendment revises the freedom of access training requirement for elected officials to delay the effective date to July 1, 2008. The amendment deletes the section of the bill that creates the Public Access Ombudsman and instead requires that the training course be approved by the Right To Know Advisory Committee. It also requires elected officials to send a written or electronic notification to the Right To Know Advisory Committee when they have completed their training. It also adds a mandate preamble to the bill.

See also LD 1923.

Enacted Law Summary

Public Law 2007, chapter 349 includes part of the legislative recommendations of the Right To Know Advisory Committee. Chapter 349 requires certain elected officials to complete a training course on the State's freedom of access laws within 90 days of taking elected office beginning July 1, 2008. The training course must be approved by the Right To Know Advisory Committee. Elected officials must send a written or electronic notification to the Right To Know Advisory Committee when they have completed their training.

LD 1853 An Act To Enact the Model Registered Agents Act and Amend Entity Acts To Rationalize Annual Filings

PUBLIC 323

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILL	OTP-AM	H-397

Part A of LD 1853 enacts the Model Registered Agents Act, adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. Part A includes Maine language on clerks of corporations and standard language governing rules, publications and other responsibilities of the Secretary of State. Parts B, C, D, E, F and G include conforming amendments to the laws governing nonprofit corporations, business corporations, limited liability companies and limited liability partnerships, respectively. Part G contains an effective date of July 1, 2008 for the entire Act.

Committee Amendment "A" (H-397)

This amendment corrects a numbering conflict in Part A of the bill and adds to the bill the prefatory note, model act comments and a Maine comment.

Enacted Law Summary

Public Law 2007, chapter 323 enacts the Model Registered Agents Act, adopted by the National Conference of Commissioners on Uniform State Laws and the American Bar Association. It is effective July 1, 2008.

LD 1864 An Act To Prevent Disclosure of Certain Identifying Information in Child Protective and Other Court Proceedings

PUBLIC 351

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBS	OTP-AM	S-254