

# 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

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

## *Joint Standing Committee on Judiciary*

LD 1864 requires the court in child protection proceedings to protect the confidentiality of information pertaining to the current address or location of a person when that person either has a current order prohibiting contact by another party to the proceeding or has alleged under oath that the health, safety or liberty of the person would be jeopardized by disclosure of the information.

### **Committee Amendment "A" (S-254)**

This amendment retains the provisions of the bill and adds general language to the Maine Revised Statutes, Title 4 that pertains to the Supreme Judicial Court adopting rules that protect, in any court in any case, a party's or participant's address or location information if a no contact order exists or the party or participant submits an allegation or pleading under oath that the person's health, safety or liberty would be jeopardized by the disclosure of that information.

### **Enacted Law Summary**

Public Law 2007, chapter 351 requires the court in child protection proceedings to protect the confidentiality of information pertaining to the current address or location of a person when that person either has a current order prohibiting contact by another party to the proceeding or has alleged under oath that the health, safety or liberty of the person would be jeopardized by disclosure of the information. Chapter 351 adds general language to the Maine Revised Statutes, Title 4 that pertains to the Supreme Judicial Court adopting rules that protect, in any court in any case, a party's or participant's address or location information if a no contact order exists or the party or participant submits an allegation or pleading under oath that the person's health, safety or liberty would be jeopardized by the disclosure of that information.

### **LD 1881     An Act To Improve Transparency and Accountability in Government**

**CARRIED OVER**

Sponsor(s)  
WESTON

Committee Report

Amendments Adopted

LD 1881 amends the freedom of access laws in the following ways.

1. It creates a timeline that must be followed to comply with requests for public records.
2. It permits a person to request by telephone that a copy of a public record be mailed to that person.
3. It allows a copy of a requested public record to be mailed if the requester pays for the mailing service.
4. It establishes procedures for requests for inspection or copies of public records.

LD 1881 is carried over pursuant to Joint Order, HP 1369.

### **LD 1904     An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 466  
EMERGENCY**

Sponsor(s)

Committee Report  
OTP-AM

Amendments Adopted  
H-630  
H-631     SIMPSON

LD 1904 makes technical corrections in the Laws of Maine.

### **Committee Amendment "A" (H-630)**