

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

This bill prohibits the preparer of documents from including an individual's personally identifiable information in a document recorded in the registry of deeds. See also LD 2094.

Committee Amendment "A" (H-905)

This amendment replaces the bill. It does not include the prohibition on filing documents that contain an individual's personally identifiable information. This amendment revises the listing of the data elements that are considered "personal information" to be consistent with current state law concerning data breaches. This amendment allows an individual to request that that individual's personal information included in a document recorded with a register of deeds and available on the registry's publicly accessible website be redacted from the record available online. It also includes a mandate preamble.

Enacted Law Summary

Public Law 2007, chapter 626 allows an individual to request that that individual's personal information be redacted from a record available on the registry of deeds' publicly accessible website.

LD 2094 An Act To Protect Personally Identifying Information

ONTP

Sponsor(s)

HAYES

Committee Report

ONTP

Amendments Adopted

This bill prohibits the preparer of documents from including an individual's personally identifiable information in a document recorded in the registry of deeds. See also LD 2093.

LD 2115 An Act To Limit Liability for Businesses and Employees Who Work with Liquefied Petroleum Gas

ONTP

Sponsor(s)

WESTON

Committee Report

ONTP

Amendments Adopted

This bill limits the liability of suppliers, transporters, handlers and sellers of liquefied petroleum gas for actual and punitive damages related to the modification, repair or use of liquefied petroleum gas equipment or appliances by any other person.

LD 2128 An Act To Correct the Uniform Limited Partnership Act of 2007

**PUBLIC 502
EMERGENCY**

Sponsor(s)

HOBBINS

Committee Report

OTP-AM

Amendments Adopted

S-440

This bill corrects a gap in the Uniform Limited Partnership Act of 2007 inadvertently created by Public Law 2005, chapter 543. Current law is ambiguous with regard to what law applies to existing limited partnerships that do not elect to be covered by the new law before July 1, 2008.

Committee Amendment "A" (S-440)

The Maine Revised Statutes, Title 31, former chapter 11 contained the limited partnership laws, and it was repealed by Public Law 2005, chapter 543. This amendment corrects the cross-reference to that repealed chapter.

Joint Standing Committee on Judiciary

Enacted Law Summary

Public Law 2007, chapter 502 corrects a gap in the Uniform Limited Partnership Act of 2007 inadvertently created by Public Law 2005, chapter 543. Current law is ambiguous with regard to what law applies to existing limited partnerships that do not elect to be covered by the new law before July 1, 2008.

Public Law 2007, chapter 502 was enacted as an emergency measure and applies retroactively to July 1, 2007.

LD 2161 An Act To Clarify Confidentiality in Child Protective Proceedings

**PUBLIC 473
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	S-406

This bill is submitted by the Judiciary Committee pursuant to Public Law 2007, chapter 335. The bill removes language enacted last session due to take effect February 1, 2008 that may violate federal confidentiality provisions. That language allows a parent or legal guardian to release information to any person if disclosure is intended to contribute to the person's understanding of the action being taken or the person's request for advocacy and support in a child protective action. This bill takes effect February 1, 2008 to match the effective date of Public Law 2007, chapter 335.

Committee Amendment "A" (S-406)

This amendment replaces the bill. It rewrites the emergency preamble and emergency clause to make the amended bill take effect when approved. This amendment delays the effective date of Public Law 2007, chapter 335 from February 1, 2008 to March 1, 2008 to give the federal Department of Health and Human Services sufficient time to review the proposed changes in Maine law and provide a written explanation of whether the proposed changes are in compliance with federal requirements concerning the sharing of confidential information in child protective cases.

Enacted Law Summary

Public Law 2007, chapter 473 delays the effective date of Public Law 2007, chapter 335 from February 1, 2008 to March 1, 2008 to give the federal Department of Health and Human Services sufficient time to review the proposed changes in Maine law and provide a written explanation of whether the proposed changes are in compliance with federal requirements concerning the sharing of confidential information in child protective cases. See also LD 2233.

Public Law 2007, chapter 473 was enacted as an emergency measure effective January 31, 2008.

LD 2181 An Act To Protect Consumers' Gift Card Interests

PUBLIC 696

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON	OTP-AM MAJ ONTP MIN	H-940

This bill requires a merchant redeeming a gift obligation or stored-value card to refund a balance on the card of less than \$5 to the consumer as long as the card is redeemed in person by the consumer.

Committee Amendment "A" (H-940)

This amendment exempts from the cash refund requirement prepaid cards for telephone service. Stored-value cards that are not purchased by a consumer but are provided by the merchant as a promotion or as a refund for merchandise returned without a receipt are also not subject to the cash refund requirement. Gift obligations and