

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE OF MAINE  
123<sup>RD</sup> 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 123<sup>rd</sup> Maine  
Legislature coming from the

**JOINT STANDING COMMITTEE ON JUDICIARY**

May 2008

**MEMBERS:**

SEN. BARRY J. HOBBS, CHAIR  
SEN. JOHN M. NUTTING  
SEN. DAVID R. HASTINGS III

REP. DEBORAH L. SIMPSON, CHAIR  
REP. JANET T. MILLS  
REP. MARK E. BRYANT  
REP. MICHAEL EDWARD DUNN  
REP. ALAN M. CASAVANT  
REP. CYNTHIA A. DILL  
REP. ROBERT A. BERUBE  
REP. JOAN M. NASS  
REP. LAWRENCE E. JACOBSEN  
REP. BONNIE S. GOULD  
REP. DONNA M. LORING

**STAFF:**

MARGARET J. REINSCH, SENIOR ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670

**STATE OF MAINE**  
123<sup>RD</sup> LEGISLATURE  
SECOND REGULAR & FIRST SPECIAL SESSIONS



**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 123<sup>rd</sup> 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 &amp; 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&amp;S XXX</i> .....	<i>Chapter # of enacted Private &amp; 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.<sup>1</sup> 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 123<sup>rd</sup> Legislature.

---

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

# 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