

# MAINE STATE LEGISLATURE

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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

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**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.

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<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

## Joint Standing Committee on Judiciary

stored-value cards that cannot be reloaded that are initially worth \$5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

### Enacted Law Summary

Public Law 2007, chapter 696 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 at the request of the consumer, as long as the card is redeemed in person by the consumer. Prepaid cards for telephone service are exempted from the cash refund requirement. 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 stored-value cards that cannot be reloaded that are initially worth \$5 or less, such as fast food restaurant coupons, are also not subject to the cash refund requirement. The cash refund requirement applies beginning November 1, 2008.

### LD 2197 An Act To Comprehensively Address Grand Jury Territorial Authority To Indict for Crimes

PUBLIC 526

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill addresses grand jury territorial authority.

### Enacted Law Summary

Public Law 2007, chapter 526 does the following.

1. It defines grand jury territorial authority expressly, rather than in terms of trial venue for the Superior Court.
2. It identifies the general rule applicable to grand jury jurisdiction. Grand jury territorial authority to indict for crimes coming within the jurisdiction of the Superior Court must be exercised by the grand jury serving the county where the crime was committed.
3. It introduces a new statutory exception relative to grand juries in judicial regions when such regions are created by the Chief Justice of the Supreme Judicial Court for venue purposes, pursuant to Title 4, section 19. Specifically, it provides that each grand jury in a multicounty judicial region may share authority to indict for crimes committed in that judicial region except as limited by rule or administrative order of the Supreme Judicial Court.
4. It expressly recognizes the existence of special laws that constitute exceptions to the general rule. Chapter 526 also amends Title 15, section 1256 to eliminate that portion that currently contains a definition of a grand jury's territorial jurisdiction, since the new section 1255-A comprehensively addresses a grand jury's jurisdiction. The new language is intended to identify the basic duty imposed upon grand juries, which is to present all crimes over which by law they have jurisdiction.

### LD 2198 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Training for Elected Officials

PUBLIC 576  
EMERGENCY

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill amends the law regarding training requirements for elected officials, as enacted by Public Law 2007, chapter 349.