

MAINE STATE LEGISLATURE

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STATE OF MAINE
124TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed during
the First Regular Session of the 124th Maine Legislature coming from the

JOINT STANDING COMMITTEE ON JUDICIARY

July 2009

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STATE OF MAINE

124TH 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 124th 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:

CARRIED OVER.....	Carried over to a subsequent session of the Legislature
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; bill died
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted; bill died
P&S XXX.....	Chapter # of enacted Private & Special Law
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

The effective date for non-emergency legislation enacted in the First Regular Session of the 124th Legislature is September 12, 2009. 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

Committee Amendment "A" (H-292)

This amendment clarifies that proprietary information of the contractor is not public. "Proprietary information" is defined as information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available.

The public access provision applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

LD 640, as amended, was reviewed and evaluated by the Joint Standing Committee on Judiciary pursuant to Maine Revised Statutes, Title 1, section 434, which requires review and evaluation of new exceptions to laws governing public records.

Enacted Law Summary

Public Law 2009, chapter 221 provides that records of personal services work performed by private contractors are open to the public to the same extent as records relating to work performed directly by the State, although proprietary information of the contractor is not public. "Proprietary information" is defined as information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the contractor and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the contract and information concerning employee and contract oversight and accountability procedures and systems are not considered proprietary information and must be treated as a public record. The public access provision applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

LD 642 An Act To Protect Parental Relationships during and after Divorce

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLODGETT MARRACHE	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill seeks to provide that when a parent's relationship with a minor child of that parent is negatively affected by a court order either during or after a proceeding for divorce and the court has not made a finding of unfitness with respect to that parent, that parent must immediately be given an opportunity to repair the relationship with the child in keeping with the best interests of the child.

LD 643 An Act To Authorize a Court To Appoint a Parenting Coordinator To Assist in Domestic Relations Actions

PUBLIC 345

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAYES	OTP-AM	H-459

Joint Standing Committee on Judiciary

This bill authorizes a court to appoint a parenting coordinator to oversee and resolve disputes that arise between parents in interpreting and implementing the final court order in a divorce judgment or a parental rights and responsibilities judgment.

Committee Amendment "A" (H-459)

This amendment makes the following changes in the bill that establishes the court's authority to appoint parenting coordinators.

1. It clarifies that parenting coordinators may be selected from the guardian ad litem roster maintained by the District Court. It allows the court to establish additional requirements for parenting coordinators, but does not require that such additional qualifications be established.
2. It clarifies that no state funds may be used to pay the fees for a parenting coordinator.
3. It provides an automatic repeal date of January 1, 2014.
4. It allows the Supreme Judicial Court to enter into an agreement with a professional organization of guardians ad litem to establish a process to deal with comments and complaints about parenting coordinators.
5. It requires the Supreme Judicial Court to report annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding parenting coordinators. The committee may report out legislation based on the report to the 124th and 125th Legislatures.

Enacted Law Summary

Public Law 2009, chapter 345 authorizes a court to appoint a parenting coordinator to oversee and resolve disputes that arise between parents in interpreting and implementing the final court order in a divorce judgment or a parental rights and responsibilities judgment. A parenting coordinator may be appointed when the appointment is in the best interest of the child or children involved, and when the parents have demonstrated a pattern of persistent inability or unwillingness to make parenting decisions on their own, comply with parenting agreements and orders, reduce their child-related conflicts or protect their child from the effects of that conflict. An individual serving as a parenting coordinator acts as the court's agent and has quasi-judicial immunity for acts performed within the scope of the duties of the parenting coordinator as set forth in the court's order. The new provisions do not limit the court's authority to appoint a person to assist the parties in implementing specifically identified issues as set forth in the terms of the court's judgment even though the person is not qualified as a parenting coordinator. The parties must consent to the appointment, the appointment must be in the best interest of the child and the court must consider any domestic abuse between the parties before making the appointment. The Supreme Judicial Court may enter into an agreement with a professional organization of guardians ad litem to establish a process to deal with comments and complaints about parenting coordinators. The parenting coordinator law contains an automatic repeal date of January 1, 2014.

Public Law 2009, chapter 345 directs the Supreme Judicial Court to report annually to the joint standing committee of the Legislature having jurisdiction over judiciary matters regarding parenting coordinators. The committee may report out legislation based on the report to the 124th and 125th Legislatures.