

MAINE STATE LEGISLATURE

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STATE OF MAINE
125TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2011

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STATE OF MAINE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND
ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 125th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD 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 LD is noted to the right of the LD title. The following describes the various final actions.

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; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public Law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 125th Legislature is September 28, 2011. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

This bill clarifies the process by which administrative orders may be enforced by the State in order to expedite the time frame in which administrative orders can be enforced while preserving due process rights.

Enacted Law Summary

Public Law 2011, chapter 181 clarifies the process by which administrative orders may be enforced by the State in order to expedite the time frame in which administrative orders can be enforced while preserving due process rights.

LD 1104 An Act To Direct the Judicial Branch To Take Requisite Measures To PUBLIC 131
Collect Fines and Penalties

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL	OTP MAJ ONTP MIN	

This bill allows the judicial branch to contract with state agencies or private debt collection services to collect overdue fines and fees.

Enacted Law Summary

Public Law 2011, chapter 131 allows the judicial branch to contract with state agencies or private debt collection services to collect overdue fines and fees.

LD 1111 An Act To Ensure Timely Resolution of Professional Negligence Claims LEAVE TO
WITHDRAW

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT ALFOND	LTW	

Under the Maine Health Security Act, a person is allowed to commence an action for professional negligence only by first submitting the claim to a mandatory prelitigation screening and mediation panel.

This bill allows a claimant whose hearing has not been held within 18 months of the submission of the claim to the panel to bypass the panel and have the case heard in Superior Court.

LD 1135 An Act To Protect the Rights of Property Owners MAJORITY
(ONTP) REPORT

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO	ONTP MAJ OTP-AM MIN	

This bill requires the State or a municipality or county to pay compensation for the enactment or application of land use regulations that reduce the fair market value of private property, with some exceptions.

Joint Standing Committee on Judiciary

The owner is due compensation 180 days after making a written demand for payment. If the public entity does not pay the compensation, the owner may file the claim in Superior Court and is entitled to attorney's fees and other costs. If compensation is not paid within 2 years, the owner may use the property as permitted at the time the owner acquired the property.

See also LD 1477.

Committee Amendment "A" (S-241)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment provides that compensation is due when land use regulations that are enacted after the effective date of this legislation reduce by at least 50% the fair market value of property or an interest in property.

This amendment was not adopted.

LD 1152 An Act To Amend the Child and Family Services and Child Protection Act

PUBLIC 402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRAVEN	OTP-AM	S-294

This bill makes changes to the Child and Family Services and Child Protection Act concerning notification of relatives when a child is removed from the child's parents' home, youth in foster care, permanency guardianship subsidies, adoption by the permanency guardian and reinstatement of parental rights.

Committee Amendment "A" (S-294)

This amendment replaces the bill but retains some of the sections with minor changes and continues to carry out the intent of the bill.

This amendment authorizes hospitals, medical personnel and law enforcement personnel to submit emergency reports of child abuse or neglect to the Department of Health and Human Services via an e-mail or a faxed report.

This amendment clarifies that the District Court has jurisdiction over petitions for adoption from permanency guardianship filed by the department.

This amendment revises the provisions on extended care for persons who are 18, 19 or 20 years of age who attained 18 years of age while in the care and custody of the State. In addition to reformatting the language, it provides additional details on the District Court's required review that must occur at least once every 12 months. The person or the department may terminate the agreement of extended care and support without approval by the court; the department must notify the court of the termination. Guardians ad litem and attorneys may not be appointed for persons who are at least 18 years of age.

This amendment provides specific elements that must be included in a petition for adoption from permanency guardianship. A background check of each prospective adoptive parent must be included, as well as the home study of the permanency guardian or an updated home study if the original home study was completed more than 2 years before the filing of the petition. This amendment requires a case management conference after a petition has been filed and requires the court to appoint a guardian ad litem and attorneys for indigent parents and custodians. This amendment also requires service of the petition for adoption and the notice of the case management conference on the child's parents. If the parents do not consent, the court must dismiss the adoption petition.