

MAINE STATE LEGISLATURE

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STATE OF MAINE
126TH LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills, amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

July 2013

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126TH LEGISLATURE

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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 126th 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 126th Legislature is October 9, 2013. 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

LD 1081 An Act To Establish Legislative Standing in Judicial Proceedings

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUSHING LOCKMAN	ONTP	

This bill provides that a group of 25 or more Legislators acting in good faith have standing to intervene in any court proceeding to defend a law enacted by the Legislature if the constitutionality, legality or application of the law is at issue. The group of Legislators may request that the Attorney General represent them in the proceeding or may employ private counsel, but state funds may not be used to cover the cost of private representation.

LD 1091 An Act To Require Nonprofit Corporations To Disclose the Salaries of Their Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS LOCKMAN	ONTP	

The purpose of this bill is to make publicly available the salaries of employees of nonprofit corporations.

This bill provides that this salary information must be provided on a nonprofit corporation's publicly accessible website, or through other comparable means, and must be provided to any member of the public upon request.

This salary information must also be provided in the nonprofit corporation's annual report to the Secretary of State. Churches are not subject to the requirements of this bill.

LD 1107 An Act To Provide a Uniform Process for the Use of Orders Awarding Parental Rights and Responsibilities To Dispose of a Child Protective Case

PUBLIC 294

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY	OTP-AM	H-318

This bill amends the child protection law to make clear that the court has authority to completely dispose of a child protective case by entering an order awarding parental rights and responsibilities under Title 19-A, section 1653.

Committee Amendment "A" (H-318)

The bill requires notice to the parties that a family matters case will be opened to dispose of the child protective case through the use of an order awarding parental rights and responsibilities.

This amendment clarifies that the court must ensure that proper notice is given, but, unlike the bill, does not apply Rule 4 of the Maine Rules of Civil Procedure.

This amendment requires that the court direct the clerk to open a family matters case on behalf of the parties.

This amendment provides that the court, upon entering an order awarding parental rights and responsibilities, may dismiss the child protection action or, if the order is a provisional order awarding parental rights and responsibilities, direct that the child protection action must be dismissed upon the expiration of a period not to

Joint Standing Committee on Judiciary

exceed six months, at which point the provisional order becomes permanent. This delay in dismissing the child protection action gives the court time to assess whether the provisional order awarding parental rights and responsibilities will meet the best interests of the child. The case will be dismissed unless good cause is shown in writing to continue the case. If the order is provisional, the court has discretion as to whether appointment of the guardian ad litem and any attorneys should be terminated before the dismissal of the child protection action.

The bill provides that when a child protection action is dismissed, the court shall terminate the appointments of the guardian ad litem and the attorneys.

Enacted Law Summary

Public Law 2013, chapter 294 amends the child protection law to make clear that the court has authority to completely dispose of a child protective case by entering an order awarding parental rights and responsibilities under Title 19-A, section 1653. The court, upon entering an order awarding parental rights and responsibilities, may dismiss the child protection action or, if the order is a provisional order awarding parental rights and responsibilities, direct that the child protection action must be dismissed upon the expiration of a period not to exceed 6 months, at which point the provisional order becomes permanent. This delay in dismissing the child protection action gives the court time to assess whether the provisional order awarding parental rights and responsibilities will meet the best interests of the child. The case will be dismissed unless good cause is shown in writing to continue the case. If the order is provisional, the court has discretion as to whether appointment of the guardian ad litem and any attorneys should be terminated before the dismissal of the child protection action.

LD 1114 An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases

PUBLIC 343

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CROCKETT	OTP-AM	H-409

This bill provides that criminal abandonment of a child does not include voluntary placement of a child with a person, agency or medical facility resulting from a coordinated effort with the Department of Health and Human Services and health care professionals to secure a placement that is in the best interests of the child.

Committee Amendment "A" (H-409)

This amendment replaces the bill but carries out the original intent. This amendment provides that it is an affirmative defense to a prosecution for abandonment of a child that the parent, guardian or other person legally charged with the long-term care and custody of a child under 14 years of age voluntarily placed the child with a person, agency or medical facility after communicating with the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

Enacted Law Summary

Public Law 2013, chapter 343 provides that it is an affirmative defense to a prosecution for abandonment of a child that the parent, guardian or other person legally charged with the long-term care and custody of a child under 14 years of age voluntarily placed the child with a person, agency or medical facility after communicating with the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.