

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

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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* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> 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. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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 1005 An Act To Amend the Law Regarding Medical Examiners**

**PUBLIC 285**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN	OTP	

This bill establishes terms of appointment of no more than five years for medical examiners and provides for those terms to be renewed indefinitely, in order to allow the Chief Medical Examiner to review the activity status of the medical examiners and ensure that their qualifications are updated to meet any new guidelines and office policies.

**Enacted Law Summary**

Public Law 2015, chapter 285 establishes terms of appointment of no more than five years for medical examiners and provides for those terms to be renewed indefinitely, in order to allow the Chief Medical Examiner to review the activity status of the medical examiners and ensure that their qualifications are updated to meet any new guidelines and office policies.

**LD 1014 An Act To Ensure Confidentiality of Personally Identifying Information for Professional Investigators, Investigative Assistants and Dependents of Deployed Members of the Military**

**PUBLIC 295**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS DION	OTP-AM	S-261

This bill makes confidential any personally identifying information of a dependent of a military member who is deployed out of state and any personally identifying information of a private investigator or investigative assistant, except for the private investigator's or investigative assistant's name and license number.

**Committee Amendment "A" (S-261)**

This amendment provides that only the home address and home telephone number of a professional investigator or investigative assistant are confidential.

This amendment revises the structure of the language in the bill to clarify when personally identifying information concerning dependents of members of the United States Armed Forces or state military forces who are deployed out of state may be disclosed. It also provides that "dependent" has the same meaning as provided in 10 United States Code, Section 1072.

**Enacted Law Summary**

Public Law 2015, chapter 295 makes confidential the home address and home telephone number of a professional investigator or investigative assistant as well as any personally identifying information of a dependent of a military member who is deployed out of state.

**LD 1017 An Act To Update Maine's Family Law**

**PUBLIC 296**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN MOONEN	OTP-AM	S-254

## *Joint Standing Committee on Judiciary*

This bill offers an updated, comprehensive statutory framework for determining a child's legal parentage. It is patterned after, and follows in part, the Uniform Parentage Act, a uniform law initially developed in 1973 and most recently updated in 2002 by the Uniform Law Commission.

A more detailed summary of the bill is provided in Appendix B to the Family Law Advisory Commission Report to Maine Legislature Joint Standing Committee on Judiciary, pursuant to Resolve 2014, chapter 83 on Proposed "Maine Parentage Act" dated December 15, 2014.

### **Committee Amendment "A" (S-254)**

This amendment makes changes in the Maine Revised Statutes, Titles 4, 18-A, 19-A and 22 to conform to the Maine Parentage Act enacted in the bill. This amendment designates the content of the bill as Part A and adds Part B, Part C and Part D.

Part B consists of amendments to Title 19-A, chapter 53, subchapter 1, currently named the "Uniform Act on Paternity." The bill enacts Title 19-A, chapter 61, which replaces certain provisions in chapter 53, subchapter 1, and Part B repeals the provisions and sections that are no longer necessary. Part B amends certain provisions in chapter 53, subchapter 1, and the subchapter will still be used to establish paternity as required by federal law as necessary to determine responsibility for child support. The headnote for subchapter 1 is changed to "Paternity."

Part C makes changes to Title 4, Title 14, Title 18-A, Title 19-A and Title 22 to update cross-references and terminology to be consistent with Title 19-A, chapter 61.

This amendment retains section 2 of the bill as Part D, which establishes the effective date of this legislation as July 1, 2016.

### **Enacted Law Summary**

Public Law 2015, chapter 296 is an updated, comprehensive statutory framework for determining a child's legal parentage. It is patterned after, and follows in part, the Uniform Parentage Act, a uniform law initially developed in 1973 and most recently updated in 2002 by the Uniform Law Commission. Even though the bill adopts portions of the Uniform Parentage Act, it is sufficiently different from the Uniform Parentage Act overall that the chapter of statute the bill enacts merits its own, distinct title, "the Maine Parentage Act."

The Maine Parentage Act is organized into eight subchapters. Subchapter 1 provides definitions of key terms. It authorizes actions to adjudicate legal parentage and establishes the parameters for such actions. Subchapter 2 is the hub of the chapter. It organizes and lists in one place the grounds upon which legal parentage may be based. They are: birth, adoption, voluntary acknowledgment of paternity, un rebutted presumption of parentage, de facto parentage, genetic parentage, consent to assisted reproduction and consent through a valid gestational carrier agreement. The six subchapters that follow address individual grounds for parentage.

Chapter 296 confirms a number of grounds for parentage under current law and in several instances clarifies and updates the law with respect to these grounds. For example, it updates the standards applicable to genetic testing to reflect current science and practice; provides more detailed procedures for use of the voluntary acknowledgment of paternity process in suitable cases; and codifies a traditional presumption of parentage in the legal spouse of the mother, which is only found now in a rule of evidence. Chapter 296 also codifies the de facto parent doctrine, now firmly established by case law, to require an explicit determination of standing as a prerequisite for maintaining an action, recognize the elevated burden of proof that a person claiming such status must satisfy and clarify the elements of proof so as to address some practical problems encountered by practitioners and courts under the case law.

Chapter 296 recognizes and clarifies the legal parentage of children born to parents who use medical assisted reproduction as well as children born by means of assisted reproduction in conjunction with a gestational carrier. Clear statutory guidelines and requirements serve to regulate usage, protect the rights of parties and reduce reliance

*Joint Standing Committee on Judiciary*

on judicial actions in this area.

Finally, consistent with the Uniform Parentage Act and legislation in a number of other states, Chapter 296 recognizes the presumption of parentage in an unmarried partner of the mother who lives with the mother at the time of birth and holds out the child as that person's own for two years from birth.

The effective date is July 1, 2016.

**LD 1026      An Act To Make Confidential the E-mail Addresses of Applicants for Department of Marine Resources Licenses      Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARRY MIRAMANT	ONTP OTP	

This bill provides, with certain exceptions, that e-mail addresses provided on license applications to the Department of Marine Resources are confidential.

**LD 1031      An Act To Improve the Unclaimed and Abandoned Property Laws      ONTP**

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

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

This bill proposes to improve the Uniform Unclaimed Property Act and other abandoned property laws.

**LD 1065      An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and Incapacitated Persons      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON HAMPER		

This bill amends current law allowing a parent or guardian to execute a temporary power of attorney for up to 12 months, delegating the powers regarding the care and custody of a child or incapacitated person, by doing the following:

1. Limiting the power of attorney to exclude the parent or guardian's powers regarding the performance of an abortion for the minor or the incapacitated person or the termination of parental rights to the minor;
2. Clarifying that executing this temporary power of attorney does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor or incapacitated person;
3. Clarifying that a parent or guardian's granting of this temporary power of attorney does not constitute abandonment, abuse or neglect, if the parent or guardian either executes a new power of attorney or takes custody of the child or incapacitated person as soon as reasonably possible after the termination of the temporary power of attorney;