

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

127TH 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 127th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 127th 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.

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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;

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- 4. Providing that the agent with the power of attorney may not receive compensation; and
- 5. Clarifying that this power of attorney does not implicate the laws regarding foster care.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1085 An Act To Implement the Recommendations of the Right To Know
 Advisory Committee Concerning Receipt of a Request for Public
 Records**

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-473

This bill amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is not maintained by that office must forward the request to the appropriate office without willful delay.

Committee Amendment "A" (H-473)

This amendment requires the agency or official that forwards a public record request to the office that has custody of the records that are the subject of the request to notify the requester that the request has been forwarded to the appropriate office and that the five-day period within which the receipt of the request must be acknowledged begins to run when that receiving office receives the request.

This amendment clarifies that the responsibility to forward a request for public records to the office that maintains the records is limited to circumstances in which the request is made to an agency that consists of more than one office in different locations, and the request is made to an office that does not maintain the records. The bill requires that the request be forwarded to the office that does maintain the records. It does not require a municipality to forward the request to another municipality.

This amendment also amends the laws governing public access officers by specifically requiring that a request for public records be acknowledged within five working days of the receipt of the request by the office responsible for maintaining the public record requested. This is consistent with the acknowledgment deadline.

Enacted Law Summary

Public Law 2015, chapter 317 amends the Freedom of Access Act to clarify that the date of receipt of a request to copy or inspect a public record is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is not maintained by that office must forward the request to the appropriate office without willful delay. The agency or official that forwards a public record request to the office that has custody of the records that are the subject of the request must notify the requester that the request has been forwarded to the appropriate office and that the five-day period within which the receipt of the request must be acknowledged begins to run when that receiving office receives the request.

Chapter 317 clarifies that the responsibility to forward a request for public records to the office that maintains the records is limited to circumstances in which the request is made to an agency that consists of more than one office in different locations, and the request is made to an office that does not maintain the records; it does not require a municipality to forward the request to another municipality.

Chapter 317 also amends the laws governing public access officers by specifically requiring that a request for public