

# 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

127<sup>TH</sup> 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 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 1216 An Act To Improve the Authority of Guardians of Persons with Intellectual Disabilities or Autism**

**Died Between Houses**

Sponsor(s)  
FARNSWORTH

Committee Report

Amendments Adopted

This bill addresses several ambiguities with regard to the powers of guardians of persons with intellectual disabilities or autism

Currently, the Probate Code provides no clear restrictions on how far the court may expand the guardian's powers. This bill resolves the ambiguity by clearly allowing probate courts to continue to use the broad powers granted by the guardianship statute. It also provides a second avenue through which a right may be waived or restricted. This is consistent with the historical role of the Probate Court in administering guardianships.

This bill also clarifies the rights of persons with intellectual disabilities or autism, as well as provides that, although the Department of Health and Human Services has authority to oversee certain types of behavioral interventions and related actions, that authority may not be used to limit the authority of guardians.

This bill was not referred to a committee.

**LD 1224 An Act To Amend the Child Protective Services Laws**

**CARRIED OVER**

Sponsor(s)  
MALABY  
DIAMOND

Committee Report

Amendments Adopted

This bill amends the Child and Family Services and Child Protection Act in the following ways.

1. It makes clear that the prohibitions on the use of Department of Health and Human Services records and information do not apply to a child or parent, legal guardian or custodian of a child who is the subject of the records or information.
2. It allows upon request a child or parent, legal guardian or custodian of a child to receive Department of Health and Human Services records and information concerning the child unless the department can prove by clear and convincing evidence that the records or information should not be released.
3. It removes the criminal penalty for a person who disseminates information that may be in Department of Health and Human Services records if the person obtained that information from an independent source.
4. It clarifies that unsubstantiated records or information that are expunged or should have been expunged may not be used for any purpose including as evidence in any administrative or judicial proceeding.
5. It modifies the notice, conduct and appeal rights concerning proceedings involving preliminary protection orders.
6. It clarifies that the petitioner must present and the court must find that reasonable efforts to prevent the removal of a child have been made prior to the issuance of a preliminary protection order.

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