

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON JUDICIARY

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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.

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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

(FLAC) made recommendations with regard to parental rights and responsibilities throughout the Probate Code, including in laws governing minor guardianship and adoption.

Chapter 402 includes the changes recommended by PATLAC and FLAC, incorporating many of the provisions of the new Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPAA) with regard to adult guardianships and all conservatorships and other protective arrangements; the FLAC recommendations concerning minor guardianships, rather than the UGCOPAA proposals, are included. Chapter 402 also updates the adoption laws as recommended by FLAC.

Chapter 402 includes the Uniform Real Property Transfer on Death Act, as Part 4 of Article 6 governing nonprobate transfers.

The new Maine Uniform Probate Code takes effect July 1, 2019.

Part G of Chapter 402 directs the Probate and Trust Law Advisory Commission, in consultation with the Family Law Advisory Commission, to develop Maine Uniform Probate Code Comments to accompany the statutory provisions of this legislation. The recommended comments must be submitted to the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019. That committee is given authority to report out legislation to fix any errors and inconsistencies created by recent legislation and this legislation and to address other issues related to the recodification and revision of the Maine Probate Code. Part G takes effect 90 days after the Second Regular Session of the 128th Legislature adjourns.

LD 170 An Act To Allow and Recognize a Legal Name Change upon Marriage Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHENETTE J	OTP-AM	H-274

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill allows a person who is getting married to change that person's name by indicating the new name on the application for recording notice of intent to marry, which becomes effective upon the completion of the marriage license.

Committee Amendment "A" (H-274)

This amendment provides funds to the Department of Health and Human Services for technology updates made necessary by the bill.

LD 197 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L VITELLI E	OTP-AM ONTP	H-133

Joint Standing Committee on Judiciary

This resolution was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This resolution was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This resolution proposes to amend the Constitution of Maine to prohibit the denial of equal rights based on the sex of an individual.

Committee Amendment "A" (H-133)

This is the majority report of the committee. This amendment incorporates a fiscal note.

LD 283 An Act To Increase the Jurisdictional Limits for Small Claims Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J MIRAMANT D	ONTP OTP-AM	

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

The bill increases the jurisdictional limit for small claims from \$6,000 to \$15,000.

Committee Amendment "A" (H-590)

This amendment, which is the minority report of the committee, adds a General Fund appropriation of \$43,200 per year for the additional mediation costs to the Judicial Department expected to result from increasing the small claims jurisdictional limit.

LD 821 An Act To Enact the Revised Uniform Unclaimed Property Act ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M TALBOT ROSS R	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to adopt a law that is based on the Revised Uniform Unclaimed Property Act.

LD 846 An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act PUBLIC 359 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	OTP-AM	H-691