

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2017

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MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST
JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

STATE OF MAINE

128TH LEGISLATURE
FIRST REGULAR SESSION



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 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 date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. 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

need for statutory protections of protected political speech.

The bill specifically prohibits the Attorney General from investigating, joining an investigation initiated by another state or the Federal Government or prosecuting any person based on that person's protected political speech. It also prohibits the Attorney General from using the Attorney General's prosecutorial power to favor or disfavor protected political speech.

The bill also prohibits the State from favoring or disfavoring any person based on the person's climate change policy preferences with regard to grants, contracts or employment.

LD 773 **An Act To Enact the Uniform Real Property Transfer on Death Act** **ONTP**

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

This bill enacts the Uniform Real Property Transfer on Death Act, adopted by the Uniform Law Commission in 2009. See also LD 969.

LD 807 **An Act Regarding Guardianships** **PUBLIC 187**

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

This bill changes the law regarding the evidentiary standard for the appointment of a guardian for an unmarried minor.

Enacted Law Summary

Public Law 2017, chapter 187 changes, pursuant to the Law Court decision in *Guardianship of Sebastien Chamberlain et al.*, 2015 ME 76, the law regarding the appointment of a guardian for an unmarried minor. Under the current law, the probate court may appoint a guardian without the consent of the minor's parents whose rights have not been terminated or the minor's legal custodian when the court finds by a preponderance of the evidence that there is a de facto guardian and a demonstrated lack of consistent participation by the nonconsenting parent or legal custodian. Chapter 187 changes the evidentiary standard from a preponderance of the evidence to clear and convincing evidence.

LD 815 **An Act To Allow a Council of Governments To Provide Municipal Services to Small Towns under the Maine Tort Claims Act** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHITTEMORE R FOLEY R	ONTP	

This bill expressly authorizes a council of governments to provide municipal services to a municipality pursuant to a contract between the council of governments and the municipality. The bill amends the Maine Tort Claims Act to include in the definition of "political subdivision" a council of governments when it is providing municipal services pursuant to a contract between the council of governments and the municipality.