

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

LD 1282

An Act To Provide a Definition for the Maine Condominium Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R GRANT G	ONTP	

This bill provides a definition of "asset" for use in the Maine Condominium Act.

LD 1304 An Act To Specify the Rights of Parents

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SAMPSON H KEIM L	ONTP	

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

1. The bill prohibits the Department of Health and Human Services from discriminating against parents who engage in nontraditional methods of parenting when the department determines whether to take any child protective actions and in determining what actions to take.
2. The bill requires the court to give appropriate weight to the importance of maintaining the familial bond connecting the child and a relative requesting placement when determining the best interests of the child.
3. The bill requires the department to share confidential records with a person designated by one or both parents as a participant.
4. The bill clarifies that the restrictions on the release of confidential information do not prohibit a parent, other family member, participant or caretaker of a child from sharing any information about the child, the family or the circumstances involving the child that is the subject of an investigation or proceeding under this Act as long as the information shared was not obtained by the parent, other family member, participant or caretaker from confidential records of the department.
5. The bill requires the department to develop a roster of appropriate professionals capable and appropriately credentialed to investigate, interview or provide expert testimony that may be admissible in a proceeding under this Act. At the request of a parent, the court is required to order a professional on the roster to investigate, interview or provide expert testimony in addition to any investigation, interview or expert testimony provided by one or more persons already involved by the department. The State is responsible for paying the costs of the additional expert's services.
6. The bill amends the law concerning rehabilitation and reunification plans to ensure that the department provide or make available any services the department identifies as necessary for a parent to receive and complete to be reunited with the child. If the department fails to provide or make those services available, the department is required to report the failure to the court, and the court will extend the time within which the parent is required to meet the requirements of the plan. Related to the failure of the department to provide or make available the identified services is the adjustment to the calculation of the time the child is considered in foster care for the purpose of triggering the termination of parental rights. The period of time during which the department is required to provide or make available services but fails to do so is not included in the time the child is considered in foster care.