

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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

128<sup>TH</sup> 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 128<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.

*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 128<sup>th</sup> 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.

*Joint Standing Committee on Judiciary*

7. Current law provides that the department may file a termination of parental rights petition when the child has been in foster care for at least 15 of the most recent 22 months. The bill extends those periods to 24 months and 30 months, respectively.

8. The bill provides an opportunity for a parent who has been convicted of a crime to show the rehabilitative steps taken to address the underlying criminal behavior, and thus rebut the presumption favoring termination of parental rights.

**LD 1305 An Act To Protect Victims of Sexual Assault**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KUMIEGA W DILL J	ONTP OTP	

Current law allows a person who is a victim of a sexual assault to file a petition for a protection order, whether or not the person who committed the assault is a family or household member or dating partner; the duration of the protection order may be for a fixed period not to exceed two years. This bill expands the possible duration of a protection order for victims of sexual assault. The bill provides a victim of a sexual assault the opportunity to petition for an order that is a fixed period of time that may be longer than two years, including an order that may be permanent. The bill also adds to the types of relief that a court may order for a sexual assault victim the requirement that the defendant refrain from knowingly coming within or knowingly remaining within a specified distance of a specified location.

**LD 1311 An Act To Amend the Law Regarding Notice of Claim Recordings by  
Statutory Road Associations**

**PUBLIC 306**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N	OTP-AM ONTP	H-435

This bill makes the following changes to the laws governing the repair and maintenance of private ways.

1. It requires any notice of claim or process for the recovery of money from the owner of a parcel of land benefited by a private way to include the name of the owner of the parcel.
2. It provides that in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the county's registry of deeds.
3. It requires the road commissioner or road association board to prepare and record in the county's registry of deeds a release of a recorded notice of claim when money owed by an owner of a parcel of land benefited by a private way is paid.

**Committee Amendment "A" (H-435)**

This amendment is the majority report. It replaces the bill but retains the provision that ensures that the obligations for assessments imposed by road associations are recorded in the registry of deeds. The amendment provides that after June 30, 2018, in order for an obligation of an owner of a parcel of land benefited by a private way to burden the parcel and run with the land upon the transfer of the owner's interest, a notice of claim must be recorded in the