

Judiciary

PUBLIC 14 **An Act to Amend the Maine Probate Code Regarding the Fee for a Copy of a Will Provided to a Beneficiary** **LD 166**

<u>Sponsor(s)</u> SIMPSON DOUGLASS		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 14 provides that a beneficiary in a will must, upon application to the register of probate, be furnished with a copy of the probated will upon payment of a fee of \$1 per page.

PUBLIC 17 **An Act To Modify Certain Criminal Appeal Statutes in View of the New Maine Rules of Appellate Procedure** **LD 273**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 17 makes changes in criminal appeal statutes in response to the Supreme Judicial Court's adoption of the Maine Rules of Appellate Procedure, effective January 1, 2001, and in response to Public Law 2001, chapter 17, effective September 2001. The changes include the hearing procedure and appellate review procedure for a petition contesting extradition, and the appellate review from a final judgment in a post-convictions review proceeding.

PUBLIC 18 **An Act To Specify Information Required in a Divorce Decree** **LD 736**

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 18 clarifies that a decree of divorce or an abstract of a decree for divorce involving rights to real property must be filed in the registry of deeds for the county or the district where the real property is located for the decree to have any effect. This bill also expands the information that is required to be contained in the abstract or decree.

PUBLIC 29 **An Act To Amend Certain Aspects of Post-conviction Review Procedure** **LD 340**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u> H-28 TWOMEY
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Public Law 2003, chapter 29 amends the laws concerning post-conviction review.

Judiciary

It broadens the definition of "assigned justice" to include a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases; allows a judge of the District Court who has been given authorization to sit in the Superior Court on post-conviction review cases to exercise the same jurisdiction as the Superior Court Justice relative to post-conviction review proceedings; replaces a reference to the Attorney General with a reference to the prosecutorial office that earlier represented the State in the underlying criminal or juvenile proceeding; provides that representation of the respondent can be either the office of the Attorney General or the office of a district attorney; and repeals the requirement that the procedure for the assignment of a post-conviction review case be addressed pursuant to an administrative order by the Chief Justice of the Supreme Judicial Court. With its repeal, the assignment of petitions for post-conviction review becomes a matter to be addressed by the Supreme Judicial Court by rule.

PUBLIC 39 An Act Regarding Case Management Officers LD 731

<u>Sponsor(s)</u> NORBERT		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 39 authorizes family case management officers to hear and dispose of matters involving parental rights and responsibilities and parent-child contact orders when the order amends that portion of a protection from abuse order.

PUBLIC 46 An Act To Repeal the Forest Products Antitrust Exemption LD 657

<u>Sponsor(s)</u> SMITH W MARTIN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Under current law contracts and trusts formed for the sole purpose of manufacturing, producing, refining or mining a product may constitute an illegal restraint of trade or conspiracy. Current law exempts from these provisions associations organized for the sole purpose of marketing, producing or trucking pulpwood or saw logs. Public Law 2003, chapter 46 repeals those provisions.

**PUBLIC 47 An Act To Increase the Value of Real and Personal Property
Exempt from Attachment LD 247**

<u>Sponsor(s)</u> SMITH W EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-81
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Public Law 2003, chapter 47 increases the value of a debtor's residence or burial plot that is exempt from attachment in a civil proceeding to \$35,000, and to \$70,000 if the debtor's minor dependent resides with the debtor.

Judiciary

The homestead exemption is \$70,000 if the debtor or the debtor's dependent is at least 60 years old or physically or mentally disabled.

PUBLIC 74 An Act To Promote Clarity Regarding Death Certificates LD 351
EMERGENCY

<u>Sponsor(s)</u> DAVIS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-24
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Public Law 2003, chapter 74 revises current law to allow a death certificate to be completed using legible hand printing, without requiring the hand printing to be in block style.

Public Law 2003, chapter 74 was enacted as an emergency measure effective April 25, 2003.

PUBLIC 77 An Act To Allow a Municipality To Dispose of Unclaimed Bicycles LD 168
by Means in Addition to Public Auction

<u>Sponsor(s)</u> FISCHER KNEELAND		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-80
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Public Law 2003, chapter 77 allows a municipality to dispose of unclaimed bicycles in any manner that the legislative body of the municipality decides is appropriate. It exempts municipalities from the Uniform Unclaimed Property Act with respect to unclaimed bicycles.

PUBLIC 84 An Act To Expand the Powers and Authority of Case Management LD 741
Officers in the Family Division

<u>Sponsor(s)</u> TARDY		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-82
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Public Law 2003, chapter 84 makes several changes to the law governing the Family Division of the District Court.

It gives the family case management officers the power to issue writs of habeas corpus for the attendance at proceedings by parties that are incarcerated.

It gives the family case management officers the authority to issue orders to provide access to confidential information in the custody of the Department of Human Services.

It also gives family case management officers the power to respond to contempt occurring in the presence of the family case management officer, which the family case management officer either saw or heard.

Judiciary

PUBLIC 88 **An Act To Provide Expedited Access to Testing for an Individual Exposed to Body Fluids in the Course of Employment** **LD 519**

<u>Sponsor(s)</u> MAIETTA		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-79
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Public Law 2003, chapter 88 requires the court to schedule an expedited hearing on the petition for judicial consent to test the source of body fluids associated with a bona fide occupational exposure.

PUBLIC 123 **An Act Concerning the Treatment of Gross Income in Cases in Which Both Child Support and Spousal Support Are Considered** **LD 235**

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 123 clarifies that spousal support is not considered as part of the gross income of the recipient of child support in the computation of child support for the children of the marriage in an initial child support order and in any subsequent child support computation on an ensuing motion for children of that marriage.

PUBLIC 148 **An Act To Implement the Maine Assistance Program for Lawyers** **LD 1262**

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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The purpose of Public Law 2003, chapter 148 is to provide immunity from civil liability for persons or organizations involved with the Maine Assistance Program for Lawyers, which was established by a court order dated September 1, 2002. Public Law 2003, chapter 148 also provides that all proceedings, communications and records connected with the Maine Assistance Program for Lawyers are confidential.

PUBLIC 149 **An Act To Clarify and Improve the Fairness of the Law of Trustee Process** **LD 586**

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-221
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Public Law 2003, chapter 149 makes a series of changes to the laws governing trustee process to provide fair treatment of alleged trustees without interfering with the ability of judgment creditors to reach funds to satisfy

Judiciary

judgments. To ensure that financial institutions, including credit unions, are able to properly identify and promptly act upon trustee process, chapter 149 allows financial institutions to designate with the Secretary of State a specific office for service of process or to agree to accept service made otherwise.

PUBLIC 161 **An Act To Establish a Right of Entry for Surveyors Performing** **LD 1342**
EMERGENCY **Surveying Services**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARDSON J MAYO	OTP-AM	H-196 S-94 MARTIN

Public Law 2003, chapter 161 provides that when performing surveying services at the request of a landowner or person with an interest in real estate, a professional land surveyor and the surveyor's assistant may, without the consent of the owner or person in possession, enter upon or cross any lands necessary to perform surveying services.

Chapter 161 establishes criteria that satisfy the requirement that reasonable effort be made to notify the landowner whose land the surveyor may need to enter or cross to carry out a survey.

Chapter 161 provides that the duty of care owed by the owner or occupant of the land is the same duty of care owed to a trespasser. This duty of care, established by case law, is the duty to refrain from wantonly, willfully or recklessly causing harm to the surveyor or the surveyor's assistant.

Chapter 161 requires professional land surveyors and their assistants to comply with state and federal safety rules and regulations applicable to the land crossed or entered.

Public Law 2003, chapter 161 was enacted as an emergency measure effective May 15, 2003.

PUBLIC 162 **An Act To Allow District Attorneys To Approve Immunity** **LD 1399**
Requests

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP	

Public Law 2003, chapter 162 changes current law by expressly allowing a district attorney as well as the Attorney General to provide the necessary written approval when the criminal proceeding before a court or grand jury, or the juvenile proceeding before a court, is being prosecuted by the office of the district attorney rather than the Office of the Attorney General or by a person not of either office but authorized by law to act as a representative of the State in a criminal proceeding.

Judiciary

PUBLIC 193 An Act Regarding the Suspension of Licenses for Failure To Pay a Fine LD 701

<u>Sponsor(s)</u> MILLS J WOODCOCK		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-128
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Public Law 2003, chapter 193 amends current law to allow the court to suspend the defendant's license or permit if the defendant fails to pay a fine or any other costs or fees assessed or imposed against the defendant. It also limits the amount of the fine that may be imposed for civil contempt to \$500 and specifies the manner in which the notice of suspension must be provided to the defendant.

PUBLIC 206 An Act To Allow Judges' Faxed Signatures in Involuntary Psychiatric Commitment Proceedings LD 1487

<u>Sponsor(s)</u> WESTON		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 206 makes a facsimile endorsement of a judge or justice in an involuntary psychiatric commitment proceeding as effective as the original endorsement.

PUBLIC 210 An Act To Require Church Officials To Report Suspected Abuse LD 309

<u>Sponsor(s)</u> BULL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-197
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Public Law 2003, chapter 210 amends the adult protective and child protective laws to require certain persons affiliated with a church or other religious institution to report suspected abuse, neglect or exploitation. It also adds clergy to the list of mandated reporters of adult abuse, neglect or exploitation.

PUBLIC 216 An Act Concerning the Financial Obligations of a Parent Involved in a Crime against a Child of That Parent LD 869

<u>Sponsor(s)</u> TRAHAN HALL		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-195
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Public Law 2003, chapter 216 authorizes a court to require a parent to contribute to the financial support of a child at the time the parent's parental rights are terminated.

Judiciary

PUBLIC 224 An Act To Increase the Collection of Child Support

LD 629

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SIMPSON PENDLETON	OTP-AM	H-194

Public Law 2003, chapter 224 requires the reporting of the hiring of independent contractors to the Department of Human Services in order to locate people who should be paying child support and to verify their ability to pay. Those required to report are the State, any employer who contracts with the State, and their subcontractors.

**PUBLIC 236 An Act To Amend the Laws Governing Improvident Transfers of
Title**

LD 1275

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT GILMAN	OTP	

Public Law 2003, chapter 236 extends the protections of the laws governing improvident transfers of title to a guaranty made by an elderly dependent person. It also extends the protections of the laws governing improvident transfers of title to the personal representative of the estate of an elderly dependent person.

**PUBLIC 278 An Act Concerning Representation of the State in Disclosure
EMERGENCY Hearings**

LD 1404

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP MAJ ONTP MIN	

Public Law 2003, chapter 278 adds non-attorney employees of the Department of the Attorney General to the list of those who may serve civil process and represent the State in District Court in disclosure proceedings, along with the Department of Labor, Bureau of Unemployment Compensation and the Department of Administrative and Financial Services, Bureau of Revenue Services employees.

Public Law 2003, chapter 278 was enacted as an emergency measure effective May 23, 2003.

Judiciary

PUBLIC 279 **An Act Relating to the Award of Attorneys' Fees and Damages
under the Maine Human Rights Act** **LD 1424**

<u>Sponsor(s)</u> NORBERT PENDLETON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-332
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Public Law 2003, chapter 279 authorizes a court to award attorneys' fees and damages to a plaintiff who prevails at trial on a discrimination complaint if the plaintiff establishes that, prior to filing with the court, the plaintiff filed the charge with the Maine Human Rights Commission and the commission erroneously dismissed the case.

PUBLIC 290 **An Act To Ensure Equity for Active Retired Justices of the
Supreme Judicial Court Who Perform Judicial Service** **LD 1584**

<u>Sponsor(s)</u> SHERMAN		<u>Committee Report</u> OTP		<u>Amendments Adopted</u>
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Public Law 2003, chapter 290 increases the per diem compensation for an Active Retired Justice of the Supreme Judicial Court to match the per diem given to Active Retired Superior Court Justices and Active Retired Judges.

PUBLIC 299 **An Act To Include Alternates as Regular Jurors** **LD 1155**

<u>Sponsor(s)</u> MILLS P		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-325
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Public Law 2003, chapter 299 ensures that all jurors who have heard the evidence in a civil trial participate in determining the verdict unless excused for good cause. It clarifies that the court must seat a jury consisting of 8 or 9 jurors. A verdict must be decided by the unanimous vote of at least 3/4 of the jurors participating in the verdict, unless the parties stipulate otherwise. A jury reduced to 6 or fewer members is not permitted to render a verdict.

PUBLIC 306 **An Act To Protect Health Care Workers Who Report Medical
Errors** **LD 720**

<u>Sponsor(s)</u> NORBERT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-396
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Public Law 2003, chapter 306 amends the Whistleblowers' Protection Act to include health care workers who report medical errors to their employers, a patient or the licensing or credentialing authority. The report by the health care worker must be consistent with state and federal privacy laws.

Judiciary

**PUBLIC 323 An Act To Clarify the Appointment of Coguardians and
Coconservators under the Probate Code**

LD 1538

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP	

Public Law 2003, chapter 323 clarifies that the Probate Court has the authority to appoint coguardians or coconservators under Part 3 and Part 4 of Article 5 of the Probate Code by explicitly stating that this authority exists.

**PUBLIC 339 An Act To Protect Maine Consumers from Hidden Fees and
Charges**

LD 1479

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRANNIGAN	OTP-AM	H-394

Public Law 2003, chapter 339 amends the Unclaimed Property Act to address gift certificates and other gift obligations, such as gift cards. It clarifies the abandonment period of a gift obligation and that the amount abandoned is the face value of the gift obligation. It clarifies that the imposition of a fee or charge on a gift obligation is prohibited unless the fee or charge is noted on the gift obligation. Fees and charges must also be in accordance with the Maine Revised Statutes, Title 33, section 1956, which governs dormancy charges.

**PUBLIC 344 An Act To Amend the Laws Relating to Corporations, Limited
EMERGENCY Partnerships, Limited Liability Companies, Limited Liability
Partnerships and Marks**

LD 1539

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM	H-419

Public Law 2003, chapter 344 makes numerous changes in the laws governing nonprofit corporations, professional service corporations, partnerships, limited liability partnerships, limited liability companies and trademarks and service marks. Many of the changes are made to provide uniformity between those laws and the newly enacted Maine Business Corporation Act, Title 13-C, which takes effect July 1, 2003.

It changes the standard regarding names to conform to the standards adopted in the new Maine Business Corporation Act, including adopting the standard prohibiting the use of a business name if it is not “distinguishable on the record” from the name of an existing business rather than prohibiting use of a name that is “deceptively similar” to an existing name. It adds definitions; describes the use of extrinsic facts in documents; clarifies certificates of existence, certificates of authority and certificates of fact; clarifies public access to Secretary of State databases and fees for sale of publications. It clarifies the duties of the corporate clerk and the process for changing corporate clerks; clarifies certain provisions relating to series of shares; clarifies shareholder

Judiciary

voting requirements; establishes a process to reinstate suspended corporations; and changes the time frame to correct a default before revocation of authority from 30 to 60 days.

The law makes technical corrections to clarify the application of the new Maine Revised Statutes, Title 13-C, the revised Maine Business Corporation Act, and clarifies that neither Title 13-C or its predecessor, Title 13-A, is intended to restate, codify or supplant the business judgment rule, since the elements of the business judgment rule and the circumstances for its application are developed by the courts. It also corrects cross-references and makes conforming changes necessitated by enactment of Public Law 2001, chapter 640, which repealed the Maine Revised Statutes, Title 13-A and replaced it with Title 13-C, the "Maine Business Corporation Act" and repealed Title 13, chapter 22 and replaced it with Title 13, chapter 22-A, the "Maine Professional Service Corporation Act."

Public Law 2003, chapter 344 was enacted as an emergency measure effective July 1, 2003.

**PUBLIC 352 An Act To Improve the Administration of the Baxter Compensation
EMERGENCY Program**

LD 768

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT BULL	OTP-AM	S-164

Public Law 2003, chapter 352 contains recommendations of the Baxter Compensation Authority.

Chapter 352 requires the Baxter Compensation Authority to include in its annual report to the Governor, the Attorney General and the joint standing committee of the Legislature having jurisdiction over judiciary matters information about the administrative budget and the previous year's expenses. This law repeals the 15% limitation because the annual reporting will allow continuing oversight of the administrative budget. It revises the cap on administrative expenses for the Baxter Compensation Authority by limiting the expenses to \$407,000 per fiscal year, which is the total of the first-year costs estimated by the authority in its report of January 15, 2003, except that the authority is limited by an overall cap on administrative expenses. Over the course of the operation of the program, the maximum amount of the trust fund that can be used for administrative expenses is \$1,500,000.

Chapter 352 addresses confidentiality concerns of claimants and their families. Current law states that once a claim is submitted, the claim becomes a public record. Chapter 352 provides that certain pieces of information become public and allows public oversight of the program.

Chapter 352 also addresses the appeal process. It allows the appeal board to affirm or increase a compensation award, but prohibits a reduction in the amount awarded by the compensation panel. The appeal board may consider records and testimony presented to the compensation panel. It may also accept oral and written arguments from the claimant in support of the claim. If the claimant wants to present new information on appeal, the appeal board will make a determination on whether the new information is appropriate to be considered in connection with the claim. If so, then the appeal board must return the claim to the compensation panel and order the compensation panel to reconsider the decision in light of the new information.

Public Law 2003, chapter 352 was enacted as an emergency measure effective May 30, 2003.

Judiciary

PUBLIC 355 An Act To Clarify the Filing of Municipal Personal Property Tax Liens LD 1311

<u>Sponsor(s)</u> NORBERT PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-415
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Public Law 2003, chapter 355 amends the provisions of law that govern the creation, perfection and effect of tax liens on personal property. It ensures that filings of personal property tax lien notices will be accepted for filing by the office of the Secretary of State even though these notices will not fully comply with the requirements of Article 9-A of the Uniform Commercial Code. It also clarifies that the filing municipality will have no obligations to secured creditors and lienholders from whom it has not received notice or who have not filed a financing statement in Maine. It further clarifies that all rights of filing municipalities will be governed by Maine law, even where Title 11, Article 9-A might otherwise apply the law of other states. Chapter 355 takes effect October 1, 2003.

PUBLIC 357 An Act Relating to the Protection of Whistleblowers LD 1425

<u>Sponsor(s)</u> SIMPSON PENDLETON	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-395
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Public Law 2003, chapter 357 clarifies that an employee is protected under the Whistleblowers' Protection Act if the employee, acting in good faith, refuses to carry out a directive that would be a violation of law or rule.

PUBLIC 365 An Act To Clarify that the Unauthorized Sale of Public Records Is a Crime LD 1454

<u>Sponsor(s)</u> DUNLAP BRYANT	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-417
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Public Law 2003, chapter 365 prohibits the sale or transfer of public records, which, according to the Maine Revised Statutes, Title 5, section 92-A, excludes publications and copies or documents intended for distribution.

Judiciary

**PUBLIC 372 An Act To Protect Plaintiffs and Minor Children in Certain Civil
Protection Order Cases**

LD 1568

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT COLWELL	OTP-AM	S-165

Public Law 2003, chapter 372 allows the court, in the most dangerous protection from abuse cases, to issue a temporary order that prohibits the defendant from possessing a firearm or other dangerous weapon. It incorporates proven indicators of increased risk of death in domestic violence situations to help the court determine when it is appropriate to grant the permitted relief. It also provides the defendant with a prompt hearing and decision on a motion for dissolution or modification. It requires the court to provide notice, orally or in writing, to a plaintiff, before the plaintiff signs a protection from abuse complaint, that making a false statement under oath in a court document is a crime. Finally, chapter 372 requires a defendant to relinquish possession of firearms and specified dangerous weapons if the defendant is prohibited from possession in either a temporary or permanent protection order.

PUBLIC 377 An Act To Clarify the Duties of Conservators

LD 840

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER	OTP-AM	H-418

Public Law 2003, chapter 377 amends the Probate Code governing conservators of the estates of minors or disabled persons in the following manner. It provides that if a conservator fails to file the required inventory of the protected person's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the conservator to show that the property would properly be excluded from the inventory.

This amendment also requires the conservator to file a supplementary inventory or appraisal if the conservator or court learns that property was omitted from the inventory or that the value or description of property included in the inventory is erroneous or misleading. A similar provision exists in the law governing personal representatives of decedents' estates.

PUBLIC 378 An Act Regarding the Duties of a Personal Representative

LD 93

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FLETCHER	OTP-AM	H-469

Public Law 2003, chapter 378 provides that if the personal representative does not file or furnish the required inventory of a decedent's estate and an interested person makes a prima facie case that property that should have been inventoried is now missing, the burden is on the personal representative to show that the property would properly be excluded from the inventory.

Judiciary

PUBLIC 383 **An Act Regarding Filing and Certification Fees** **LD 1072**

<u>Sponsor(s)</u> ADAMS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-416
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Public Law 2003, chapter 383 amends the Probate Code to increase the fees allowed a register of probate for receiving and entering a petition or application for estates.

PUBLIC 392 **An Act To Protect Critical Homeland Security Information and Information Technology Infrastructure and Systems** **LD 1582**

<u>Sponsor(s)</u> ROTUNDO		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-190
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Public Law 2003, chapter 392 adds an exception to the definition of "public records" in the freedom of access laws to protect a new category of records and information that are not public records: records or information that describes the architecture, design, access authorization, encryption or security of information technology infrastructure and systems.

PUBLIC 396 **An Act To Penalize a Person Who is Habitually Late Making Child Support Payments** **LD 1298**

<u>Sponsor(s)</u> MCNEIL DAMON		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-476
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Public Law 2003, chapter 396 penalizes child support obligors who are habitually late making child support payments. Under current law, an obligor must be at least 60 days late in making child support payments before the Department of Human Services starts proceedings to revoke driver's licenses, recreational licenses and occupational and professional credentials. Chapter 396 authorizes the department to start those proceedings when a child support obligor is only 30 days late in making child support payments if that obligor has been at least 30 days late in making payments at least twice during the past 24 months.

PUBLIC 400 **An Act to Increase Courthouse Security** **LD 328**

<u>Sponsor(s)</u> STRIMLING BUNKER		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-215
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Public Law 2003, chapter 400 provides training requirements for court security officers, defines "court security officer" in the context of law enforcement training, and requires the Maine Criminal Justice Academy to establish

Judiciary

certification standards and a training program for court security officers. The program must include 100 hours of preservice training for law enforcement officers, a 40-hour training course on court security and continuing education requirements to maintain certification. Completion of basic law enforcement training satisfies the preservice training requirement.

PUBLIC 402 An Act To Ensure Access to Intelligence and Investigative Information LD 1598

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-475
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Public Law 2003, chapter 402 provides that intelligence and investigative records may be disseminated to a crime victim or the victim's agent or attorney. The dissemination of the records is subject to reasonable limitations for the same purposes for which dissemination is prohibited under current law.

PUBLIC 409 An Act To Protect Campers by Making Personal Information Confidential LD 1419

<u>Sponsor(s)</u> BRYANT		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> S-216
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Public Law 2003, chapter 409 protects campers in state campgrounds by making confidential camper names, other identifying information and reservation dates during the calendar year for which the reservation is made. It provides that the Department of Conservation, Bureau of Parks and Lands campsite reservation system may disclose the information concerning campers and campsite reservations to law enforcement upon request.

PUBLIC 415 An Act To Create a Uniform Approach to the Determination of Child Support When Parents Provide Substantially Equal Care for Children LD 234

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM MAJ OTP-AM MIN		<u>Amendments Adopted</u> H-499
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Public Law 2003, chapter 415 provides a standard calculation for determining child support for the courts and the parties in cases where the parents provide substantially equal parenting for the child but have unequal incomes.

Judiciary

PUBLIC 433 **An Act To Amend the Laws Relating to Medical Certification of the Cause of Death and the Medical Examiner Act and To Create the Maine Elder Death Analysis Review Team** **LD 1211**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP-AM MAJ OTP MIN	H-493

Public Law 2003, chapter 433 amend the laws concerning medical certification of cause of death that require the certifying physician to be "authorized to practice in the State;" clarifies that the ultimate determination as to whether a reported death constitutes a medical examiner case is to be determined by the Chief Medical Examiner, barring a directive from the Attorney General or district attorney having jurisdiction; adds a new category of death that must be reported but need not be accepted by the Chief Medical examiner as a medical examiner case; and creates the Maine Elder Death Analysis Review Team to examine deaths and serious injuries associated with suspected abuse or neglect of elderly adults and vulnerable adults.

PUBLIC 435 **An Act To Make Technical Changes to the Laws Concerning Tobacco Manufacturers** **LD 1511**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT PENDLETON	OTP MAJ ONTP MIN	

Public Law 2003, chapter 435 makes 3 technical changes in the Maine Revised Statutes, Title 22, chapter 263, subchapter 3, the tobacco manufacturers laws, which is the law the State adopted to ensure payments under the 1998 multistate legal settlement with tobacco companies. First, it delegates the rule-making authority under the law to the Attorney General. Second, it changes the way allocable share releases from escrow are calculated for tobacco manufacturers who do not participate in the master settlement agreement. Third, it provides that, in the event the new method is found unconstitutional by a court and the statute, without an allocable share provision is found to be unconstitutional, the statute reverts to the form it was in prior to the changes made by this chapter.

PUBLIC 436 **An Act To Enact the Uniform Interstate Family Support Act Amendments of 1996 and 2001** **LD 986**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAFOUNTAIN	OTP-AM	S-207

Public Law 2003, chapter 436 incorporates into Maine law the 1996 and 2001 amendments to the Uniform Interstate Family Support Act.

Judiciary

PUBLIC 438 **An Act To Protect Health Care Practitioners Responding to Public Health Threats** **LD 846**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHIELDS	OTP-AM MAJ	H-435
PENDLETON	ONTP MIN	

Public Law 2003, chapter 438 provides limited immunity from civil liability for health care practitioners and emergency medical services' persons who provide services in response to a public health threat. It repeals and replaces the current law concerning immunity from civil liability for volunteer activities.

PUBLIC 452 **An Act To Implement Recommendations of the MCJUSTIS Policy Board Concerning the Drafting of Crimes and Civil Violations Pursuant to Resolve 1997, Chapter 105, as Amended** **LD 1567**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-557

Public Law 2003, chapter 452 is the report of the Maine Criminal Justice Information System, MCJUSTIS, Policy Board pursuant to Resolve 2001, chapter 45. It amends civil and criminal violations throughout the statutes to provide a unique statutory cite for each violation.

The bill changes references to monetary sanctions authorized by law, including fines, forfeitures, penalties or surcharges imposed by the court for a civil violation, to "fine" unless the sanction is payable to an entity other than the State, in which case the sanction continues to be identified as a civil penalty. A general provision that indicates this change is added to Title 14

The provisions concerning terminology for civil monetary sanctions take effect 90 days after adjournment of the First Regular Session of the 121st Legislature, while the rest of chapter 452 takes effect July 1, 2004.

PUBLIC 460 **An Act To Simplify Calculation of Legal Interest** **LD 1132**
EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS P	OTP-AM	H-571 MILLS P

Public Law 2003, chapter 460 amends the judicial rates of interest to equal the one-year U.S. Treasury bill rate plus 3% for prejudgment interest and the one-year Treasury bill rate plus 6% for post-judgment interest. In actions involving a contract or note that contains a provision relating to interest, the rate set forth in the contract or note is the interest rate for prejudgment interest. For post-judgment interest, the rate of interest is the rate set forth in the note or the Treasury bill rate plus 6%, whichever is greater.

Judiciary

The new prejudgment interest rate applies to complaints filed on or after July 1, 2003. For actions in which prejudgment interest has begun to accrue prior to July 1, 2003, the prejudgment interest rate is 8% if the judgment does not exceed \$30,000. For verdicts over \$30,000, the prejudgment interest rate is the one-year U.S. Treasury bill rate plus 1%.

The new post-judgment interest rate applies to judgments issued on or after July 1, 2003.

Public Law 2003, chapter 460 was enacted as an emergency measure effective July 1, 2003.

P & S 13 An Act To Amend the Constitution of the Maine Episcopal LD 971
Missionary Society

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HALL RECTOR	OTP-AM	S-49

Private and Special Law 2003, chapter 13 amends the charter of the Maine Episcopal Missionary Society by removing the \$100,000 limit on the value of real or personal estate held by the society. It also amends the Private and Special Law of 1875, chapter 11 concerning the membership of the Maine Episcopal Missionary Society to provide that the sole member of the Maine Episcopal Missionary Society is the Episcopal Diocese of Maine.

P & S 18 An Act To Release the Records of the Attorney General and the LD 1097
Maine State Police Regarding the Investigation, Prosecution and
Trial of Dennis Dechaine

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN PARADIS	OTP	

Private and Special Law 2003, chapter 18 exempts certain intelligence and investigative records of the Department of the Attorney General from the operation of Public Law, 1993, chapter 719, section 11 that declared all such records to be confidential. Instead, those records pertaining the unlawful homicide of Sarah Cherry in Bowdoin become subject to the Maine Revised Statutes, Title 16, section 614, which applies to intelligence and investigative records after July 1, 1995.

RESOLVE 12 Resolve, Concerning the Titling of Mobile Homes, Boats, All- LD 286
terrain Vehicles, Snowmobiles and Other Property

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM	H-141

Judiciary

Resolve 2003, chapter 12 requires the Secretary of State to study the issue of titling mobile homes, boats, all-terrain vehicles, snowmobiles and other similar types of property not already titled in this State. The Secretary of State shall include interested parties and report back before January 15, 2004 with recommendations. The Joint Standing Committee on Judiciary is authorized to report out legislation to the Second Regular Session of the 121st Legislature.

RESOLVE 25 **Resolve, Directing the Family Law Advisory Commission To Study and Report on the Uniform Parentage Act and Similar Laws and Proposals** **LD 865**

<u>Sponsor(s)</u> MILLS J		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-127
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Resolve 2003, chapter 25 directs the Family Law Advisory Commission to study issues relating to surrogate parenting, gestational agreements and the Uniform Parentage Act and related laws and proposals. It authorizes the commission to introduce legislation based on its findings to the Second Regular Session of the 121st Legislature.

RESOLVE 36 **Resolve, Requiring the Maine Human Rights Commission To Report on Complaints Involving Supervisors** **LD 523**

<u>Sponsor(s)</u> SIMPSON CATHCART		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-285
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Resolve 2003, chapter 36 requires the Maine Human Rights Commission to report to the Joint Standing Committee on Judiciary the number of complaints it has received in which a supervisor commits employment discrimination, but the employer avoids liability through the use of an affirmative defense. The information will assist the committee in understanding what impact, if any, the affirmative defense provided by the decision in Faragher v. City of Boca Raton, 524 U.S. 775 (1998), and used in federal employment discrimination cases, has had on cases in Maine.

RESOLVE 62 **Resolve, Regarding Legislative Review of Rules for the Audio Recording of Planned Interviews of Children, a Major Substantive Rule of the Department of Human Services** **LD 1585**
EMERGENCY

<u>Sponsor(s)</u>		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-477
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Resolve 2003, chapter 62 provides for legislative review of Rules for the Audio Recording of Planned Interviews of Children, a major substantive rule of the Department of Human Services.

Resolve 2003, chapter 62 was passed as an emergency measure effective June 3, 2003.

Judiciary

Judiciary

**RESOLVE 83 Resolve, To Establish the Committee To Study Compliance with
Maine's Freedom of Access Laws**

LD 1079

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KOFFMAN ROTUNDO	OTP-AM	H-326 H-592 KOFFMAN S-280 GAGNON

Resolve 2003, chapter 83 establishes the Committee to Study Compliance with Maine's Freedom of Access Laws, consisting of Legislators, municipal and county officials, media representatives, the Attorney General, the Commissioner of Public Safety, members of the public and a representative of privacy interests to address issues relating to state and governmental compliance with Maine's freedom of access laws. The study committee may seek and accept outside funding, except that funding may not come from any party having a pecuniary or vested interest in the outcome of the study. The study committee is required to issue a report to the Joint Standing Committee on Judiciary, including findings and recommendations, by December 3, 2003.

**RESOLVE 98 Resolve, Approving the 2003 Draft and Arrangement of the
EMERGENCY Constitution of Maine Made by the Chief Justice of the Supreme
Judicial Court and Providing for its Publication**

LD 1630

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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The Legislature's passage of Resolve 2003, chapter 98 constitutes approval of the Constitution of Maine as arranged by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6. The text of the Constitution of Maine as recodified by the Chief Justice is included in the printed version of LD 1630 as Appendix "A." LD 1630 was passed without reference to a committee. Once finally passed by the Legislature, it was sent to the Secretary of State pursuant to the Constitution of Maine, Article X, Section 6 rather than being presented to the Governor for his signature.

Resolve 2003, chapter 98 was passed as an emergency measure effective June 13, 2003.