

STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

May 2016

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Joint Standing Committee on Judiciary

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission. The Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission presented its final report in June 2015. It contained no legislative recommendations.

LD 268	An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013	Died On Adjournment
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL T		

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Transferring jurisdiction over violations of a tribal ordinance from the State to the Passamaquoddy Tribe and the Penobscot Nation over a person who is not a member of either tribe or nation in accord with and to the extent authorized by federal law;
2. Increasing the level of certain criminal offenses from a maximum period of imprisonment of one year and a maximum amount of \$5,000 to a maximum period of imprisonment of three years and a maximum amount of \$15,000 over which the Penobscot Nation has the right to exercise exclusive jurisdiction as authorized by the federal Tribal Law and Order Act of 2010; and
3. Clarifying that the Penobscot Nation has concurrent jurisdiction with the State over criminal offenses as authorized by the federal Violence Against Women Reauthorization Act of 2013.

LD 268 was received by the Clerk of the House pursuant to Joint Rule 309 without a committee report.

LD 775	An Act To Streamline Judicial Review of Certain Land Use Decisions	PUBLIC 459
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS B	OTP-AM OTP-AM	H-602

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to establish a streamlined judicial review process of major land use permitting decisions in order to facilitate economic development and reduce overall costs and the time associated with issuing permits for new developments.

Committee Amendment "A" (H-602)

This amendment is the majority report of the committee. It replaces the bill, which is a concept draft. It provides

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that a complaint for review of a municipal decision on a significant land use project may be filed with either the general docket of the Superior Court, as in current law, or directly with the Business and Consumer Docket in the Superior Court established by the Maine Supreme Judicial Court by Administrative Order JB-07-1 (A.11-08). It also provides that, if a complaint is filed with the general docket, any party to the appeal may request that the complaint be transferred to the Business and Consumer Docket and the Business and Consumer Docket is required to accept the transfer.

The amendment requires that a defendant municipality must file the record of the proceedings being reviewed as agreed upon by the parties within 35 days of the commencement of the action, as opposed to 40 days pursuant to current court rules, unless the court extends the time for cause. The plaintiff is required to reimburse the municipality for the cost of producing the record.

A party may appeal the Superior Court decision of a significant municipal land use decision, whether from the general docket or the Business and Consumer Docket, to the Supreme Judicial Court. Upon the request of any party, and in the interests of justice, the Supreme Judicial Court may expedite the briefing schedule.

Committee Amendment "B" (H-603)

This amendment is the minority report of the committee. It is identical to Committee Amendment "A" except that it does not require a plaintiff filing a complaint for review of a municipal decision on a significant land use project to reimburse the municipality for the cost of producing the record of the proceedings being reviewed.

This amendment was not adopted.

Enacted Law Summary

Public Law 2015, chapter 459 provides that a complaint for review of a municipal decision on a significant land use project may be filed with either the general docket of the Superior Court, as in current law, or directly with the Business and Consumer Docket in the Superior Court established by the Maine Supreme Judicial Court by Administrative Order JB-07-1 (A.11-08). It also provides that, if a complaint is filed with the general docket, any party to the appeal may request that the complaint be transferred to the Business and Consumer Docket and the Business and Consumer Docket is required to accept the transfer.

This law requires that a defendant municipality must file the record for review as agreed upon by the parties within 35 days of the commencement of the action, as opposed to 40 days pursuant to current court rules, unless the court extends the time for cause. The plaintiff is required to reimburse the municipality for the cost of producing the record.

A party may appeal the Superior Court decision of a significant municipal land use decision, whether from the general docket or the Business and Consumer Docket, to the Supreme Judicial Court. Upon the request of any party, and in the interests of justice, the Supreme Judicial Court may expedite the briefing schedule.

**LD 778 Resolve, Regarding Legislative Review of Portions of Chapter 3:
Eligibility Requirements for Specialized Case Types, a Late-filed Major
Substantive Rule of the Maine Commission on Indigent Legal Services**

**RESOLVE 75
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This resolve was carried over from the First Regular Session of the 127th Legislature.

This resolve provides for legislative review of portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services that was filed outside the

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legislative rule acceptance period.

Enacted Law Summary

Resolve 2015, chapter 75 authorizes final adoption of portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2015, chapter 75 was finally passed as an emergency measure effective March 29, 2016.

LD 890 An Act To Ensure a Continuing Home Court for Cases Involving Children

PUBLIC 460

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MONAGHAN K	OTP-AM ONTP	H-522

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill extends the jurisdiction of the District Court to be concurrent with the courts of probate over matters concerning custody or other parental rights of a child under the Maine Revised Statutes, Title 18-A, including, but not limited to, adoption, termination of parental rights, change of name and guardianship of a minor. The District Court has exclusive, continuing jurisdiction over a matter concerning custody or other parental rights of a child if an interim or final order concerning the child was entered in the District Court and remains in effect, proceedings seeking such an order are pending in the District Court or a matter has been removed to the District Court from the Probate Court.

This bill provides that, in any matter concerning custody or other parental rights of a child, the judge of the District Court or the probate judge who is presiding must require all parties to disclose whether they have knowledge of any interim or final order then in effect concerning custody or other parental rights of the minor child, any proceeding seeking such an order or other related actions currently filed or pending before any court of this or another state. If the proceeding is in a Probate Court and the judge determines that the District Court has exclusive, continuing jurisdiction, the judge of probate must transfer the case to the District Court.

Upon petition by a party to a proceeding involving guardianship, adoption, change of name or other matters concerning custody or other parental rights of a minor child brought in probate court, the proceeding may be removed to the District Court under such procedures as the Supreme Judicial Court may by rule provide if any civil matter involving the minor child is pending or has been finally adjudicated in the District Court.

Committee Amendment "A" (H-522)

This amendment is the majority report of the Joint Standing Committee on Judiciary. This amendment replaces the bill but retains the overall concept of establishing one court in which proceedings involving custody and other parental rights with respect to a child will take place.

Enacted Law Summary

Public Law 2015, chapter 460 extends the jurisdiction of the District Court to include exclusive jurisdiction over matters involving custody or other parental rights of a child under the Maine Revised Statutes, Title 18-A, including, but not limited to, adoption, termination of parental rights, change of name and guardianship of a minor, if proceedings concerning the child are pending in the District Court.

Chapter 460 provides that, in any matter involving custody or other parental rights of a child, the judge of the District Court or the probate judge who is presiding must require all parties to disclose whether the parties have knowledge of any existing order or if any proceeding involving custody or other parental rights is currently filed or

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pending or if any other related action is pending before any court of this State or another state. If the proceeding is in a probate court in this State, the judge of probate must transfer the case to the District Court.

LD 951 An Act To Restore Judicial Discretion in the Administration of Fines

ONTP

Sponsor(s)

DION M
BRAKEY E

Committee Report

ONTP

Amendments Adopted

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill:

1. Lowers the maximum amount of earnings that may be garnished to enforce payment of a judgment arising from a consumer credit transaction;
2. Makes some criminal fines discretionary rather than mandatory;
3. Prohibits revoking probation solely on the basis of failure to pay a fine;
4. Allows the court to reduce a fine in limited circumstances upon a showing of indigence;
5. Prohibits incarceration solely for failure to pay a fine;
6. Eliminates the failure to pay warrant; and
7. Limits suspensions under the Maine Revised Statutes, Title 29-A and contempt proceedings under Title 14 for indigent defendants.

The legislative recommendations of the Intergovernmental Pretrial Justice Reform Task Force are included in LD 1629.

**LD 1065 An Act To Amend the Law Regarding Temporary Powers of Attorney
over Minors and To Require Organizations To Screen Agents before
Providing Care**

PUBLIC 467

Sponsor(s)

SANDERSON D
HAMPER J

Committee Report

OTP-AM

Amendments Adopted

H-657

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill amends current law allowing a parent or guardian to execute a temporary power of attorney for up to 12 months, delegating the powers regarding the care and custody of a child or incapacitated person, by doing the following:

1. Limiting the power of attorney to exclude the parent or guardian's powers regarding the performance of an abortion for the minor or the incapacitated person or the termination of parental rights to the minor;
2. Clarifying that executing this temporary power of attorney does not deprive the parent or guardian of any

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parental or legal authority regarding the care and custody of the minor or incapacitated person;

3. Clarifying that a parent or guardian's granting of this temporary power of attorney does not constitute abandonment, abuse or neglect, if the parent or guardian either executes a new power of attorney or takes custody of the child or incapacitated person as soon as reasonably possible after the termination of the temporary power of attorney;

4. Providing that the agent with the power of attorney may not receive compensation; and

5. Clarifying that this power of attorney does not implicate the laws regarding foster care.

Committee Amendment "A" (H-657)

This amendment replaces the bill. It provides for the execution of a power of attorney by a parent to allow for the care of the parent's minor child by another person.

The amendment provides that a power of attorney cannot authorize the agent to consent to the termination of a parent's parental rights. It also provides that a delegation of powers by a power of attorney does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor.

The amendment creates a new subsection that applies to powers of attorney executed by a parent or a guardian for the purpose of providing temporary care of a minor. It specifically provides that, without other evidence, the execution of the power of attorney by a parent or guardian does not constitute abandonment, abuse or neglect of the minor.

The amendment prohibits the agent from receiving any financial assistance from the State for the care of the minor, except for any assistance that the minor or the agent is entitled to receive pursuant to any state or federal program.

The amendment provides that a minor subject to a power of attorney is not in foster care and is not considered a ward of the State. In addition, the agent named in the power of attorney is not considered a family foster home and is not required to be licensed as a family foster home by virtue of the power of attorney. However, the agent is not prohibited from becoming a foster home and the minor may be placed with the agent if the State takes custody of the minor.

The amendment provides that an organization, other than an organization whose primary purpose is to provide free legal services, that is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization described by Section 501(c)(3) and that assists parents or guardians with the process of executing a power of attorney for the temporary care of a minor must ensure that a background check is completed for the agent and any adult members of the agent's household. The background check must include screening for child abuse cases and a federal criminal history record check.

The amendment requires that the organization keep records of training and transcripts of background checks and that the organization must make those records available to a parent or guardian executing a power of attorney under these provisions and to the child welfare ombudsman and any local, state or federal authority performing an investigation involving the agent, the parent or guardian or the minor.

The amendment imposes penalties on an organization that does not act as required and on employees or volunteers of an organization that knowingly continue to assist parents, guardians or agents in completing a power of attorney for a minor after a background check returns disqualifying information.

Enacted Law Summary

Public Law 2015, chapter 467 provides for the execution of a power of attorney by a parent to allow for the care of the parent's minor child by another person. A power of attorney cannot authorize the agent to consent to the

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termination of a parent's parental rights. It also provides that a delegation of powers by a power of attorney does not deprive the parent or guardian of any parental or legal authority regarding the care and custody of the minor or incapacitated person. It specifically provides that, without other evidence, the execution of the power of attorney by a parent or guardian does not constitute abandonment, abuse or neglect of the minor. The agent is prohibited from receiving any financial assistance from the State for the care of the minor, except for any assistance that the minor or the agent is entitled to receive pursuant to any state or federal program. It also provides that a minor subject to a power of attorney is not in foster care and is not considered a ward of the State. In addition, the agent named in the power of attorney is not considered a family foster home and is not required to be licensed as a family foster home. However, the agent is not prohibited from becoming a foster home and the minor may be placed with the agent if the State takes custody of the minor.

Public Law 2015, chapter 467 provides that an organization, other than an organization whose primary purpose is to provide free legal services, that is exempt from federal income taxation under Section 501(a) of the United States Internal Revenue Code of 1986 as an organization described by Section 501(c)(3) and that assists parents or guardians with the process of executing a power of attorney for the temporary care of a minor must ensure that a background check is completed for the agent and any adult members of the agent's household. The background check must include screening for child abuse cases and a federal criminal history record check.

The organization must keep records of training and transcripts of background checks and the organization must make those records available to a parent or guardian executing a power of attorney under these provisions and to the child welfare ombudsman and any local, state or federal authority performing an investigation involving the agent, the parent or guardian or the minor.

Public Law 2015, chapter 467 imposes penalties on an organization that does not act as required and on employees or volunteers of an organization that knowingly continue to assist parents, guardians or agents in completing a power of attorney for a minor after a background check returns disqualifying information.

LD 1163 An Act To Amend the Garnishment Laws of the State

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS J	ONTP	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes a process for the garnishment of state income tax refunds for the satisfaction of money judgments.

LD 1177 An Act To Enact the Recommendations of the Probate and Trust Law Advisory Commission Regarding the Maine Uniform Fiduciary Access to Digital Assets Act

ONTP

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill enacts the Uniform Fiduciary Access to Digital Assets Act as the Maine Uniform Fiduciary Access to Digital Assets Act as a new Article 10 in the Maine Revised Statutes, Title 18-A. The Probate and Trust Law Advisory Commission recommended enactment in the report submitted to the Joint Standing Committee on

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Judiciary pursuant to Resolve 2013, chapter 27 as amended by Resolve 2013, chapter 81.

The Probate and Trust Law Advisory Commission submitted a new report with revised recommendations to the Judiciary Committee in November 2015.

LD 1181 An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances Died In Concurrence

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J HASKELL A	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill limits the liability of successor corporations that, before the dangers of asbestos were known publicly in 1972, acquired or merged with a predecessor corporation that engaged in asbestos-related activities. Liability is capped at the value of the predecessor corporation at the time of merger adjusted for inflation, but only for successor corporations that did not continue in the business of mining, selling, distributing, manufacturing, removing or installing asbestos-containing products.

LD 1214 An Act To Implement the Recommendations of the Mental Health Working Group ONTP

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

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill contains the recommendations of the mental health working group pursuant to Resolve 2013, chapter 106, which were also covered by LD 1145 enacted during the First Regular Session, Public Law 2015, chapter 309. This bill was carried over to continue work on Part B which expands the duties of the State Forensic Service within the Department of Health and Human Services to include performing the duties of an independent examiner at the direction of the District Court in response to applications for involuntary commitment and involuntary treatment.

LD 1224 An Act To Amend the Child Protective Services Laws PUBLIC 501

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R DIAMOND G	OTP-AM	H-629

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

1. It makes clear that the prohibitions on the use of Department of Health and Human Services records and information do not apply to a child or parent, legal guardian or custodian of a child who is the subject of the records or information.
2. It allows upon request a child or parent, legal guardian or custodian of a child to receive Department of

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Health and Human Services records and information concerning the child unless the department can prove by clear and convincing evidence that the records or information should not be released.

3. It removes the criminal penalty for a person who disseminates information that may be in Department of Health and Human Services records if the person obtained that information from an independent source.
4. It clarifies that unsubstantiated records or information that are expunged or should have been expunged may not be used for any purpose including as evidence in any administrative or judicial proceeding.
5. It modifies the notice, conduct and appeal rights concerning proceedings involving preliminary protection orders.
6. It clarifies that the petitioner must present and the court must find that reasonable efforts to prevent the removal of a child have been made prior to the issuance of a preliminary protection order.

Committee Amendment "A" (H-629)

This amendment deletes from the bill sections which change the confidentiality provisions of the child protective statutes and instead adds a new administrative hearing process to give parents, custodians and legal guardians an opportunity to seek a review of the discretionary denial of access to information in child protection records. The hearing must be conducted by the Department of Health and Human Services under the Maine Administrative Procedure Act. The parents, custodians and legal guardians can appeal the decision of the hearing officer as a final agency action.

This amendment strikes out section eight of the bill, which addresses notice about a request for a preliminary protection order, and replaces it with language that clarifies that, when the department gives notice that it will be seeking a preliminary protection order, the notice does not include the time and place when the petition will be presented to a judge, but must include the court in which the counsel for the parents, legal guardian or custodians may file motions, including motions to modify or vacate any preliminary protection order that is issued. This amendment also requires that the information provided to the court explaining why notice is not required must include a sworn statement detailing a sufficient factual basis either that the child would suffer serious harm during the time needed to notify the parents, legal guardian or custodians or that prior notice would increase the risk of serious harm to the child or the petitioner. This amendment clarifies that failure to provide the required notice, after a good faith attempt to do so, does not constitute grounds for denial of a preliminary protection order.

This amendment deletes section 12, which provides for a new expedited process for dissolving or modifying a preliminary protection order, and instead amends the law to allow the summary preliminary hearing to be expedited upon request by the parent's counsel. Upon counsel's request, the court may conduct the summary preliminary hearing, the first hearing opportunity available after the preliminary protection order is issued, as expeditiously as the court determines the interests of justice require.

This amendment retains the language in current law that provides that, if the department has not been able to serve a parent, custodian or legal guardian before the scheduled summary preliminary hearing, the parent, custodian or legal guardian may request a subsequent summary preliminary hearing within 10 days after the parent, custodian or legal guardian receives the petition.

This amendment clarifies that when notice is required to be given to a legal guardian of a child, the department is required to provide notice to all of the child's legal guardians that are known to the department.

Senate Amendment "A" To Committee Amendment "A" (S-462)

This amendment amends the best interests standard when determining the placement of a child in custody such that there is a rebuttable presumption that placement with an adult relative is in the best interests of the child, as long as

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such placement does not substantially interfere with reunification effort.

This amendment was not adopted.

Enacted Law Summary

Public Law 2015, chapter 501 amends the Child and Family Services and Child Protection Act in the following ways.

It creates a new administrative hearing process to give parents, custodians and legal guardians an opportunity to seek a review of the discretionary denial of access to information in child protection records. The hearing must be conducted by the Department of Health and Human Services under the Maine Administrative Procedure Act. The parents, custodians and legal guardians can appeal the decision of the hearing officer as a final agency action.

It clarifies that unsubstantiated records or information that are expunged or should have been expunged may not be used for any purpose including as evidence in any administrative or judicial proceeding.

It clarifies that, when the department gives notice that it will be seeking a preliminary protection order, the notice does not include the time and place when the petition will be presented to a judge, but must include the court in which the counsel for the parents, legal guardian or custodians may file motions, including motions to modify or vacate any preliminary protection order that is issued. It also requires that the information provided to the court explaining why notice is not required must include a sworn statement detailing a sufficient factual basis either that the child would suffer serious harm during the time needed to notify the parents, legal guardian or custodians or that prior notice would increase the risk of serious harm to the child or the petitioner. It clarifies that failure to provide the required notice, after a good faith attempt to do so, does not constitute grounds for denial of a preliminary protection order.

It allows the summary preliminary hearing to be expedited upon request by the parent's counsel. Upon counsel's request, the court may conduct the summary preliminary hearing, the first hearing opportunity available after the preliminary protection order is issued, as expeditiously as the court determines the interests of justice require.

Public Law 2015, chapter 501 clarifies that when notice is required to be given to a legal guardian of a child, the department is required to provide notice to all of the child's legal guardians that are known to the department.

LD 1241 An Act To Increase Government Efficiency

PUBLIC 449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R HARLOW D	OTP	S-479 KATZ R

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill authorizes the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank to conduct public proceedings with one or more members of the board or commission participating via remote access technology in certain circumstances.

Committee Amendment "A" (S-276)

This amendment is the majority report of the Joint Standing Committee on Judiciary and amends the bill to bar remote participation in executive sessions of the board and authorities subject to the bill and lists specific and limited situations when a member may participate remotely in the public proceedings.

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This amendment was not adopted.

Senate Amendment "A" (S-479)

This amendment provides that when the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank conduct public proceedings with one or more members of the board or commission participating via remote access technology, each member, to the extent reasonably practicable, must be able to see all other members by videoconferencing or other similar means of communication and members of the public attending the public proceeding at the location identified in the required notice are able, to the extent reasonably practicable, to see all members participating from other locations by videoconferencing or other similar means of communication.

Enacted Law Summary

Public Law 2015, chapter 449 authorizes the Maine Governmental Facilities Authority, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority and the Maine Municipal Bond Bank to conduct public proceedings with one or more members of the board or commission participating via remote access technology in certain circumstances. Each member, to the extent reasonably practicable, must be able to see all other members by videoconferencing or other similar means of communication and members of the public attending the public proceeding at the location identified in the required notice are able, to the extent reasonably practicable, to see all members participating from other locations by videoconferencing or other similar means of communication.

LD 1311 An Act To Establish the Patient Compensation System Act

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SANDERSON D		

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill establishes within the Department of Professional and Financial Regulation the Patient Compensation System, which allows a person who has suffered a medical injury to receive compensation outside of the court system. The Patient Compensation System is governed by a board of medical, legal, patient and business representatives. The bill establishes three offices within the system to provide medical review of claims, compensation allocations and quality review, as well as two committees to provide guidance in the selection of medical review panelists and the design of compensation schedules. The bill also creates the Patient Compensation System Fund, which is funded by fees paid by physicians participating in the system.

LD 1311 was received by the Clerk of the House pursuant to Joint Rule 309 without a committee report.

LD 1322 Resolve, To Direct Legislative Staff To Recodify and Revise the Maine Probate Code and To Direct the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission To Study and Make Recommendations on Related Issues

RESOLVE 73

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HOBBINS B	OTP-AM	H-539

Joint Standing Committee on Judiciary

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of the Probate and Trust Law Advisory Commission concerning the Probate Code pursuant to Resolve 2013, chapter 5 and chapter 82.

Committee Amendment "A" (H-539)

This amendment replaces the bill, which was a concept draft, with a resolve.

The amendment directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to prepare a bill that recodifies and revises the Probate Code, currently the Maine Revised Statutes, Title 18-A. The recodification and revision must include the substantive changes recommended by the Probate and Trust Law Advisory Commission in 2014 and 2015. The bill must be submitted to the First Regular Session of the 128th Legislature.

The amendment directs the Probate and Trust Law Advisory Commission to study the concept of supported decision making, consult with interested parties and make recommendations concerning inclusion of supported decision making in the Probate Code, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

The amendment directs the Family Law Advisory Commission to oversee a comprehensive review of the laws and procedures concerning minor guardianship and adoption and other provisions implicating parental rights throughout the Probate Code, including, but not limited to, an evaluation of the extent to which such laws, procedures and provisions are consistent with family law policy as set forth in other Maine statutes. The commission is required to ensure that interested parties are involved in the review and to make recommendations, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

Enacted Law Summary

Resolve 2015, chapter 73 does three things.

It directs the Office of Policy and Legal Analysis and the Office of the Revisor of Statutes to prepare a bill that recodifies and revises the Probate Code, currently the Maine Revised Statutes, Title 18-A. The recodification and revision must include the substantive changes recommended by the Probate and Trust Law Advisory Commission in 2014 and 2015. The bill must be submitted to the First Regular Session of the 128th Legislature.

It directs the Probate and Trust Law Advisory Commission to study the concept of supported decision making, consult with interested parties and make recommendations concerning inclusion of supported decision making in the Probate Code, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

It directs the Family Law Advisory Commission to oversee a comprehensive review of the laws and procedures concerning minor guardianship and adoption and other provisions implicating parental rights throughout the Probate Code, including, but not limited to, an evaluation of the extent to which such laws, procedures and provisions are consistent with family law policy as set forth in other Maine statutes. The commission is required to ensure that interested parties are involved in the review and to make recommendations, including any proposed legislation, in a report no later than January 15, 2017 to the joint standing committee of the Legislature having jurisdiction over

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judiciary matters. The committee may report out legislation to the First Regular Session of the 128th Legislature related to the subject of the report.

LD 1433 An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D HOBBINS B	ONTP OTP-AM	

This bill was carried over from the First Regular Session of the 127th Legislature.

This bill reforms Maine’s system of providing State-funded legal services to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State, including the following changes:

1. Removing staff from the Maine Commission on Indigent Legal Service and establishing an Office of the Public Defender to be staffed by a Chief Public Defender, who is appointed by the Governor and confirmed by the Legislature, two Deputy Public Defenders and additional staff as necessary;
2. Changing the role of the Maine Commission on Indigent Legal Services from one of delivery of indigent legal services to one of oversight of the delivery of indigent legal services by the Office of the Public Defender;
3. Establishing a system administered by a Chief Public Defender that uses State employees, and contracts with attorneys to the maximum extent practicable, to deliver indigent legal services;
4. Instituting new measures to ensure that a person using indigent legal services pay reasonable costs for services provided by the system based on the person's financial ability to pay; and
5. Permitting Maine Revenue Services to share income tax return information with the Office of the Public Defender for purposes of determining an individual’s eligibility for indigent legal services.

Committee Amendment "A" (S-387)

This amendment, which is the minority report of the committee, corrects a lettering conflict and adds a fiscal note to the bill.

This amendment was not adopted.

LD 1460 Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services RESOLVE 74 EMERGENCY

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

This resolve provides for legislative review of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

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Enacted Law Summary

Resolve 2015, chapter 74 authorizes final adoption of portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a major substantive rule of the Maine Commission on Indigent Legal Services.

Resolve 2015, chapter 71 was finally passed as an emergency measure effective March 29, 2016.

LD 1477 An Act To Protect Victims of Sexual Assault

PUBLIC 427

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND G CAMPBELL R	OTP-AM OTP	S-436

Current law allows a court to terminate the parental rights and responsibilities of a parent who was convicted of a crime involving sexual intercourse when the child for whom the parental rights and responsibilities are being terminated was conceived as a result of that crime. This bill expands that law by requiring a court to terminate the parental rights and responsibilities of a parent if it can be shown by clear and convincing evidence that the child was conceived as a result of an act of sexual assault by that parent.

This bill also establishes a presumption that a parent is unwilling or unable to protect a child from jeopardy if the child was conceived as a result of an act of sexual assault by the parent.

Committee Amendment "A" (S-436)

This is the majority report of the Joint Standing Committee on Judiciary.

This amendment allows a court, instead of requires as in the bill, to terminate the parental rights of a person if the court finds by clear and convincing evidence that the child was conceived as a result of an act of sexual assault by that person. The amendment applies the same standard in the child protection laws.

Enacted Law Summary

Public Law 2015, chapter 427 allows a court to terminate the parental rights of a person if the court finds by clear and convincing evidence that the child was conceived as a result of an act of sexual assault by that person. It applies the same standard in the child protection laws.

LD 1488 An Act To Support Substance Abuse Assistance Projects Provided by Municipalities and Counties

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M GERZOFKY S	OTP-AM	H-611

This bill establishes the Law Enforcement Assisted Diversion Program to address drug crimes by diverting low-level offenders into community-based treatment and support services. The program includes, but is not limited to, the provision of case management services to program participants in order to secure appropriate treatment and support services such as housing, health care, job training and mental health services for program participants. The Attorney General, in consultation with the district attorneys, is directed to implement the program by establishing eight pilot projects in communities around the State.

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Committee Amendment "A" (H-611)

This amendment replaces the bill.

The amendment establishes the Substance Abuse Assistance Program to provide grants to municipalities and counties to carry out projects designed to reduce substance abuse, substance abuse-related crimes and recidivism.

The Commissioner of Public Safety, in consultation with a steering committee, will select at least eight pilot projects to receive grants. At least two projects must be awarded to municipalities and at least two projects must be awarded to counties. The steering committee that will advise in the selection of the pilot projects consists of the Commissioner of Corrections or the commissioner's designee and representatives of the following: a statewide organization of police chiefs; a statewide organization of sheriffs; a statewide organization representing physicians; a statewide organization representing prosecutors; a statewide organization representing providers of legal services to the indigent; peer recovery programs; and harm reduction associations. The Maine Justice Assistance Council will administer the grants.

The recipients of the grants must report the continuation or modification of the grant program and any need for additional funding to the Commissioner of Public Safety annually, and the commissioner must report in January 2018 and 2019 to the joint standing committee of the Legislature having jurisdiction over criminal justice matters and the joint standing committee of the Legislature having jurisdiction over judiciary matters.

The amendment includes a total appropriation of \$2,000,000 as included in the bill and uses \$77,168 of the total to pay for a position to administer the grants. That amount is part of the 5% that the Department of Public Safety may use for administering the grants.

The majority of this amendment was incorporated into LD 1606 and is now Part E of Public Law 2015, chapter 481.

LD 1499 An Act To Increase the Safety of Social Workers

PUBLIC 476

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOODE A KATZ R	OTP-AM	H-605

This bill provides that the home address of a social worker that is in the possession of the Department of Professional and Financial Regulation, State Board of Social Worker Licensure is confidential and not subject to public disclosure under the freedom of access laws.

Committee Amendment "A" (H-605)

This amendment replaces the bill.

This amendment specifies that the addresses and telephone numbers of applicants for licensure as well as of licensed social workers are confidential; the bill provides that only the home addresses of licensed social workers are confidential. The amendment also revises the language in the bill regarding confidentiality to be consistent with other references to confidential information in the Maine Revised Statutes. The amendment specifies that the confidentiality provision does not prohibit the Department of Professional and Financial Regulation, State Board of Social Worker Licensure from using and disclosing the addresses and telephone numbers of applicants or licensees as necessary to perform the duties and functions of the board.

Enacted Law Summary

Public Law 2015, chapter 476 specifies that the addresses and telephone numbers of applicants for licensure as well

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as of licensed social workers are confidential. It specifies that the confidentiality provision does not prohibit the Department of Professional and Financial Regulation, State Board of Social Worker Licensure from using and disclosing the addresses and telephone numbers of applicants or licensees as necessary to perform the duties and functions of the board.

LD 1500 An Act To Protect and Promote Access to Sport Shooting Ranges

PUBLIC 433

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P CYRWAY S	OTP-AM ONTP	H-612

This bill provides that a statute, rule, ordinance or other provision of law enacted or adopted after the establishment of a sport shooting range that if applied to that sport shooting range would cause the closure of that sport shooting range or substantially limit sport shooting at that sport shooting range does not apply to that sport shooting range and that sport shooting range is immune from suit, including but not limited to private and public civil actions, nuisance actions and actions for injunctive relief, based on a claim based on the statute, rule, ordinance or other provision of law.

It allows a sport shooting range to:

1. Repair, remodel, reconstruct or reinforce any building or structure as necessary to protect public safety or to secure the continued use of that building or structure;
2. Repair, restore, reconstruct or resume the use of a nonconforming building or structure damaged by fire, collapse, explosion or an act of God or otherwise; and
3. Take action consistent with generally accepted operation practices for sport shooting ranges, including but not limited to expanding or increasing its membership or opportunities for public participation and expanding or increasing its events and activities.

Committee Amendment "A" (H-612)

This amendment is the majority report of the committee. It replaces the bill with the following changes to current law concerning sport shooting ranges.

1. It expands sport shooting range immunity from nuisance lawsuits filed against the shooting range from nuisance lawsuits based on noise to any nuisance lawsuit.
2. It prohibits municipal ordinances from being applied to limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to the enactment date of the ordinance. Current law exempts the applicability of ordinances only with regard to noise control.
3. It requires a sport shooting range to meet general gun safety and shooting range operation practices or be constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range in order to be exempted from municipal ordinances applied to limit or eliminate its current shooting activities.
4. It provides that a municipality may not restrict a sport shooting range established prior to September 1, 2016 from performing maintenance or making improvements to enhance public safety and shot containment, provide access for persons with disabilities and provide rest room facilities. Other maintenance or improvements must be done in compliance with generally applicable municipal building codes and zoning ordinances. Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God must be done in compliance with generally applicable municipal building codes and be completed within two years.

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Enacted Law Summary

Public Law 2015, chapter 433 makes the following changes to the laws concerning sport shooting ranges.

1. It expands sport shooting range immunity from nuisance lawsuits filed against the shooting range from nuisance lawsuits based on noise to any nuisance lawsuit.
2. It prohibits municipal ordinances from being applied to limit or eliminate shooting activities that have occurred on a regular basis at a sport shooting range prior to the enactment date of the ordinance. Current law exempts the applicability of ordinances only with regard to noise control.
3. It requires a sport shooting range to meet general gun safety and shooting range operation practices or be constructed in a manner not reasonably expected to allow a projectile to cross the boundary of the range in order to be exempted from municipal ordinances applied to limit or eliminate its current shooting activities.
4. It provides that a municipality may not restrict a sport shooting range established prior to September 1, 2016 from performing maintenance or making improvements to enhance public safety and shot containment, provide access for persons with disabilities and provide rest room facilities. Other maintenance or improvements must be done in compliance with generally applicable municipal building codes and zoning ordinances. Repairing or rebuilding a building or structure damaged by fire, collapse, explosion or an act of God must be done in compliance with generally applicable municipal building codes and be completed within two years.

LD 1518 An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care

PUBLIC 444

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J CYRWAY S	OTP-AM	H-627

This bill, which is based on Montana law, allows the caretaker relative, including a grandparent, aunt, uncle, brother, sister or cousin, of a minor voluntarily left by the minor's parent with the caretaker relative to exercise limited authority to make medical and educational decisions for the minor in place of the parent. It provides for authorization of the caretaker relative by a notarized affidavit and sets out the content and form of the affidavit. It provides immunity from criminal and civil liability and professional discipline for persons, including health care providers and school officials, relying on the affidavit in the absence of the person's knowing facts contrary to the affidavit or knowing that the parent has made a decision that supersedes the caretaker relative's decision.

Committee Amendment "A" (H-627)

This amendment replaces the bill. Unlike the bill, which authorizes a "caretaker relative" to make medical and educational decisions for a minor, this amendment addresses only the issues related to health care for minors.

This amendment makes changes to the laws governing minors' authority to consent to health care by identifying situations in which adults who voluntarily and without specific legal authority through a power of attorney or appointment as a legal guardian provide care that a parent normally would. This amendment recognizes that when parents are temporarily absent from a minor's life, certain adults with whom a minor resides may assume a surrogate role.

Enacted Law Summary

Public Law 2015, chapter 444 makes changes to the laws governing minors' authority to consent to health care by identifying situations in which adults who voluntarily and without specific legal authority through a power of attorney or appointment as a legal guardian provide care that a parent normally would. When parents are

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temporarily absent from a minor's life, certain adults with whom a minor resides may assume a surrogate role. A surrogate may not be a parent, legal guardian or an adult to whom a parent has given a power of attorney authorizing health care treatment for the minor. Surrogates may include an adult related to a minor by blood, marriage or adoption and from whom the minor receives the ongoing care and support expected of a parent. If no such relatives exist, an adult with whom the minor resides and who has provided the minor with the ongoing care and support expected of a parent may act as a surrogate. The existence of a surrogate does not remove the ability of a minor to give consent under any other existing law.

If a minor needs health care, a surrogate must make a good faith attempt to notify the minor's parents or legal guardian of their right to make those decisions unless parental notification is not required by other provisions of law. Absent a response, the surrogate may make most health care decisions on behalf of the minor without parental consent. A surrogate may not make decisions withholding or withdrawing life-sustaining treatments or denying consent for treatments that are life-saving and medically necessary. A surrogate giving consent on behalf of the minor must attempt to make a good faith effort to notify the absent parents or legal guardian of any health care received by the minor unless parental notification is not required by other provisions of law.

Health care practitioners and providers may rely on the consent given by the surrogate. If they do so, they are immune from liability for providing treatment without receiving informed consent from the parents or legal guardian. Health care practitioners and providers must inform the surrogate of the surrogate's obligation to notify the minor's parents or legal guardian about the minor's treatment.

A surrogate may use the means of communication the surrogate believes is the most effective way to ensure actual notification of the parents or legal guardian. The means of communication may be regular mail, e-mail, texting, personal website posting or other written means of communication to the last known address or contacting by telephone using the last known telephone number of the absent parents or legal guardian.

A surrogate who makes health care decisions for the minor knowing that those specific decisions may not be made by the surrogate or without attempting to contact the parents or legal guardian about the need for the health care or the health care received commits a Class E crime. A person who makes health care decisions for a minor when not qualified as a surrogate is guilty of a Class E crime.

As long as the health care practitioner or provider acts with good faith reliance on the consent of the surrogate, there is no liability against the health care practitioner or provider on the grounds that the health care treatment was rendered without informed consent.

A minor may consent to health services associated with a sexual assault forensic examination to collect evidence after an alleged sexual assault regardless of whether a surrogate exists.

LD 1528 An Act To Modernize and Consolidate Court Facilities

PUBLIC 468

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO L HOBBINS B	OTP-AM	S-437

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to increase the maximum amount of securities that may be issued by the Maine Governmental Facilities Authority for specific allocation to the judicial branch. The increase would be used to fund projects for court facilities in Waldo, Oxford and York counties.

Committee Amendment "A" (S-437)

This amendment replaces the bill. It authorizes the Maine Governmental Facilities Authority to issue additional

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securities from time to time in an aggregate amount not to exceed \$95,600,000. The funds must be used for the acquisition, construction, equipping, capital repairs and improvements to new and existing facilities and judicial projects in the counties of Oxford, Waldo and York and planning for other court facilities, in order to increase court efficiency, reduce operating expenses and improve public service and safety.

This amendment also establishes the York County Courthouse Site Selection Commission to choose a site for the new York County Courthouse. The Judicial Branch is authorized to build the courthouse in the municipality selected by the commission.

Enacted Law Summary

Public Law 2015, chapter 468 authorizes the Maine Governmental Facilities Authority to issue additional securities from time to time in an aggregate amount not to exceed \$95,600,000. The funds must be used for the acquisition, construction, equipping, capital repairs and improvements to new and existing facilities and judicial projects in the counties of Oxford, Waldo and York and planning for other court facilities, in order to increase court efficiency, reduce operating expenses and improve public service and safety.

Public Law 2015, chapter 468 also establishes the York County Courthouse Site Selection Commission to choose a site for the new York County Courthouse. The Judicial Branch is authorized to build the courthouse in the municipality selected by the commission.

LD 1531 An Act To Protect Victims of Human Trafficking

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HOBBINS B	OTP-AM	S-457

This bill provides that victims of aggravated sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

Committee Amendment "A" (S-457)

This amendment replaces the bill but continues to provide that victims of aggravated sex trafficking and sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

This amendment replaces the bill to capture all provisions of the protection from harassment and protection from abuse laws to include protections for victims of both aggravated sex trafficking and sex trafficking.

It amends the Maine Criminal Code to provide that sex trafficking is a crime for which probation may be included as part of a sentence.

Enacted Law Summary

Public Law 2015, chapter 443 provides that victims of aggravated sex trafficking and sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

Public Law 2015, chapter 443 captures all provisions of the protection from harassment and protection from abuse laws to include protections for victims of both aggravated sex trafficking and sex trafficking.

It amends the definition of "harassment" to include a single act or course of conduct that includes a violation of the Maine Revised Statutes, Title 17-A, section 852, aggravated sex trafficking, or section 853, sex trafficking. The definition is important because it determines who can request a protection from harassment order.

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It amends the protection from harassment laws to include as prohibited conduct that an interim protection from harassment order issued ex parte may prohibit a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document that is in the defendant's possession. It amends the protection from harassment laws to include as prohibited conduct that, after the opportunity for a hearing, a final protection from harassment order may prohibit a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document that is in the defendant's possession.

It provides that violation of the final protection order provision prohibiting a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document is treated as a violation of a court order, which may be pursued as contempt.

Public Law 2015, chapter 443 amends the Maine Criminal Code to provide that sex trafficking is a crime for which probation may be included as part of a sentence.

Public Law 2015, chapter 443 amends the protection from abuse laws to amend the definition of "abuse" to include the actions of engaging in aggravated sex trafficking and sex trafficking. It amends the protection from abuse laws to clarify that a victim of aggravated sex trafficking or sex trafficking may file a complaint seeking a protection from abuse order. It amends the protection from abuse laws governing the type of relief that may be included in an interim protection from abuse order to cover a defendant's destroying, transferring or tampering with the plaintiff's passport or other immigration document. It amends the protection from abuse laws to provide that, with regard to conduct described as aggravated sex trafficking or sex trafficking, the court may order the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship. It also provides that a defendant who violates this provision may be punished for contempt.

LD 1532 An Act To Clarify Financial Responsibility in Gestational Carrier Agreements

**PUBLIC 456
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-427

Under the Maine Parentage Act, immediately upon the birth of a child that is the result of a gestational carrier agreement, all parental rights and responsibilities vest exclusively in the intended parent or parents.

This bill specifies that medical costs of the gestational carrier and the child, including the costs related to assisted reproduction and the pregnancy, including labor and delivery, and postpartum pregnancy-related medical care for 60 days following the birth, are jointly and severally the responsibility of the gestational carrier and each intended parent. The bill prohibits the waiver of this responsibility and specifies that a breach of the gestational carrier agreement does not change the status of the responsibility. Finally, this bill specifies that these provisions are not intended to relieve insurance carriers of their obligation to provide coverage for their insureds.

Committee Amendment "A" (S-427)

This amendment provides that the intended parent or parents are liable for the health care costs of a gestational carrier that are not paid by the gestational carrier's health insurance. "Health care costs" is defined to mean the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

This amendment requires the gestational carrier agreement to provide how the health care costs of the gestational carrier are to be paid. It specifically provides that the agreement is not intended to alter any available health insurance coverage.

This amendment adds an emergency preamble and emergency clause so that the legislation takes effect on July 1,

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2016, the date the Maine Parentage Act goes into effect.

Enacted Law Summary

Public Law 2015, chapter 456 provides that the intended parent or parents under a gestational agreement are liable for the health care costs of a gestational carrier that are not paid by the gestational carrier's health insurance. "Health care costs" is defined to mean the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

The gestational carrier agreement must provide how the health care costs of the gestational carrier are to be paid. Public Law 201, chapter 456 specifically provides that the agreement is not intended to alter any available health insurance coverage.

Public Law 2015, chapter 456 was enacted as an emergency measure effective July 1, 2016, the date the Maine Parentage Act goes into effect.

LD 1562 **An Act To Make Technical Changes to the Laws Governing Child Support** **Veto Sustained**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D HOBBINS B	OTP-AM	S-395

This bill amends the laws governing child support guidelines to conform to the Maine Parentage Act and to changes made by the Department of Health and Human Services by rule that eliminate the age categories in the child support table.

Committee Amendment "A" (S-395)

This amendment adds an appropriations and allocations section.

LD 1563 **An Act To Enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act** **Died On Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THIBODEAU M GUERIN S		

This bill enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act approved by the National Conference of Commissioners on Uniform State Laws in 2002. The purposes of the bill and section-by-section descriptions are included in the Comments provided by the National Conference of Commissioners on Uniform State Laws. The Uniform Act is intended to be consistent with the federal Violence Against Women Act as reauthorized in 2013 in Public Law 113-4. The full faith and credit provisions are codified in 18 United States Code, Section 2265.

The Uniform Act provides an optional registration process for domestic violence protection orders, known as "protection from abuse orders" in Maine, issued by a tribunal in another state. A protection order from another state may be registered in Maine by presenting a certified copy of the order to the office of the clerk of any District Court or of any Superior Court of this State.

The Maine Uniform Enforcement of Foreign Judgments Act, which currently applies to foreign protection orders, is amended to clarify that the new Uniform Interstate Enforcement of Domestic Violence Protection Orders Act may

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also be used to enforce foreign protection orders.

LD 1563 was received by the Secretary of the Senate pursuant to Joint Rule 309 without a committee report.

LD 1565 *An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners* Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D	OTP-AM	S-443
HOBBINS B	OTP-AM	

This bill increases the maximum fee allowed to be paid to a nonsalaried medical examiner or a nonsalaried medicolegal death investigator for an inspection and view from \$85 to \$100.

It increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides. It also increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

Committee Amendment "A" (S-443)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds an appropriations and allocations section to the bill.

Committee Amendment "B" (S-444)

This amendment is the minority report of the Joint Standing Committee on Judiciary. It removes the proposed fee increase for cremation approvals, but retains the proposed discretion to waive the fee. It also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 1586 *An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings* Accepted Majority (ONTP) Report

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

This bill is based on the recommendations of the Right to Know Advisory Committee.

Part A of this bill allows members of a body subject to the Freedom of Access Act to participate in meetings of the body through telephonic, video, electronic or other similar means of communication under certain conditions; however, the bill does not allow members of publicly elected bodies to participate in public proceedings unless physically present. The body must have adopted a written policy authorizing remote participation with criteria that must be met before a member may participate remotely, but the policy may not allow a member to participate remotely in an executive session of the body. The bill also requires that notice of the proceeding must be given as if no members were participating remotely, each member of the body must be able to hear and speak to all other members, members of the public must be able to hear all members of the body, each member participating remotely must identify anyone else present at the location from which the member is participating, documents or materials discussed or presented at the proceeding must have been received by or transmitted to members participating remotely and all votes must be taken by roll call vote. A member who is not physically present may not vote in a

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quasi-judicial proceeding of the body. A quorum of the body must be physically present unless an emergency has been declared and the proceeding is necessary to address the emergency. If the body conducts proceedings with members participating remotely, the body must also hold at least one proceeding annually where no members participate remotely.

Under current law, the following state agencies are authorized to use remote-access technology to conduct meetings: the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Emergency Medical Services' Board and the Workers' Compensation Board. Part B provides a specific exemption from the new requirements for the Emergency Medical Services' Board and the Workers' Compensation Board and does not affect the existing authority of those agencies or the Finance Authority of Maine or the Commission on Governmental Ethics and Election Practices to use remote-access technology to conduct meetings.

Committee Amendment "A" (H-660)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill and provides that any body subject to the Freedom of Access Act may conduct a public proceeding in which one or more members participate remotely through telephonic, video, electronic or other similar means of communication, but only if the body first adopts a written policy that governs the remote participation and that explicitly describes how the policy meets the principles of the Freedom of Access Act. The policy must address under what circumstances a member may participate remotely, whether the body may conduct an executive session when a member is participating remotely, whether a quorum must physically assemble, the proceedings in which a member participating remotely may vote and how the body will ensure that members of the public in attendance at the site of the proceeding included in the notice can hear or see and hear the members who are participating remotely.

A body that adopts a remote participation policy must make the policy available on the body's publicly accessible website and must post a copy at the location of each meeting during which one or more members participate remotely.

A body that adopts a remote participation policy must send a copy of the policy to the Public Access Ombudsman, who will make all the policies received available to the public and submit them annually to the Right To Know Advisory Committee.

This amendment was not adopted.

LD 1601 An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals

PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-590
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This bill was reported by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2015, chapter 36, section 3 and then referred to the Judiciary Committee for processing in the normal course.

This bill implements the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

The bill creates a definition for "assistance animal," which distinguishes assistance animals from service animals, and amends the definition of "service animal" to achieve this distinction. It amends the provisions in the Maine Human Rights Act related to fair housing and public accommodations to provide clarity regarding

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their application to service animals compared to assistance animals. It also amends provisions in the Maine Revised Statutes, Title 7 to align with the new definitions. Finally, it increases the penalty for misrepresentation as a service dog or assistance animal.

Committee Amendment "A" (H-590)

This amendment clarifies the terminology in the language of the bill defining the civil violation of misrepresentation to align it with the new definition of "assistance animal" and the updated definition of "service animal" in the Maine Human Rights Act. The amendment makes clear that representing as a service animal an animal that does not meet the definition of "service animal," whether it is a dog or any other species of animal, is a civil violation.

This amendment provides that the maximum fine of \$1,000 proposed in the bill applies to each occurrence of misrepresentation. A person who knowingly provides documents falsely stating that an animal is a service animal or assistance animal can be fined for each time the person provides the documents.

These changes are consistent with the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

Enacted Law Summary

Public Law 2015, chapter 457 amends the Maine Human Rights Act to create a definition for "assistance animal," which distinguishes assistance animals from service animals, and amends the definition of "service animal" to achieve this distinction. It amends the provisions in the Maine Human Rights Act related to fair housing and public accommodations to provide clarity regarding their application to service animals compared to assistance animals. It also amends provisions in the Maine Revised Statutes, Title 7 to align with the new definitions. It increases the penalty for misrepresentation as a service dog or assistance animal.

Public Law 2015, chapter 457 clarifies that representing as a service animal an animal that does not meet the definition of "service animal," whether it is a dog or any other species of animal, is a civil violation. The maximum fine of \$1,000 applies to each occurrence of misrepresentation. A person who knowingly provides documents falsely stating that an animal is a service animal or assistance animal can be fined for each time the person provides the documents.

These changes are consistent with the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

LD 1605 An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide

PUBLIC 451

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO L WARD K	OTP	

This bill expands the time period within which a wrongful death action may be brought in a case of a death caused by a homicide. The bill also provides that the expansion of the time period applies to wrongful death actions that have not been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

Enacted Law Summary

Public Law 2015, chapter 451 expands the time period within which a wrongful death action may be brought in a case of a death caused by a homicide to six years from the date the personal representative of the decedent discovers that there is a just cause of action against the person who caused the homicide. The expansion of the time period applies to wrongful death actions that have not been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

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LD 1639 An Act To Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force

PUBLIC 436

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

S-453

This bill was reported by the committee pursuant to joint order, S.P. 650 and then referred back to the committee for processing in the normal course.

This bill implements the recommendations of the Intergovernmental Pretrial Justice Reform Task Force.

The bill does the following:

1. It specifies that a bail commissioner may not set preconviction bail for crimes involving domestic violence without specifying a court date within five weeks of the date of the bail order.
2. It specifies that, notwithstanding the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (9-A), a bail commissioner may not impose as a condition of preconviction bail that a defendant submit to random search with respect to a prohibition on the possession, use or excessive use of alcohol or illegal drugs.
3. It authorizes a properly trained county jail employee to prepare and execute a personal recognizance bond when a bail commissioner orders bail.
4. It eliminates the availability of unsecured bail bonds for bail.
5. It amends standards for release on preconviction bail to include language in the conditions that specifies that a defendant refrain from the possession of alcohol and illegal drugs, in addition to the current condition that prohibits use or excessive use of alcohol or any drugs. The bill also specifies that this condition be imposed only if specific facts are provided to the judicial officer to support the imposition of the condition.
6. It adds to the standards for release on preconviction bail language that a defendant be required to submit to a random search or a search upon articulable suspicion for possession of firearms or other dangerous weapons or possession or use of alcohol or illegal drugs.
7. It amends post-conviction bail to specify standards for bail with respect to a motion to revoke probation. A judge or justice may deny or grant bail and, in determining whether to admit the defendant to bail, the judge or justice shall consider the nature of the circumstances of the crime for which the defendant was sentenced to probation and the nature of the alleged violation of and any records of prior violations of probation.
8. It repeals Title 15, section 1073-A, which provides that if a defendant violated a condition of bail then the person who posted the bail or the surety must have the bond released or all of the money returned, unless the person previously acted as surety for the same defendant and the defendant previously failed to comply with conditions.
9. It requires that in an initial proceeding on a probation violation for which a person is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance unless otherwise ordered by the court.
10. It allows the court to suspend all or part of the minimum mandatory fine for assault, certain drug crimes and operating a motor vehicle while a person's license is suspended or revoked, and it lists criteria that a court may

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consider in making the decision to suspend the fine.

11. It amends the amount of payment for community service that may be credited against the unpaid fine for offenders who have been sentenced to pay a fine and who have defaulted from no less than \$25 for every 8 hours to a rate equal to the current hourly minimum wage.

12. It specifies that bail commissioners' fees must be paid for by the Judicial Department, instead of being paid for by the defendant seeking bail or by a county fund that may be created for defendants who cannot pay the fee.

13. It specifies that if a defendant is released on preconviction bail and the judicial officer imposes a condition that the person remain in the custody of a designated organization agreeing to supervise the defendant, the State is required to reimburse the designated organization for the costs of the supervision of the defendant.

Committee Amendment "A" (S-453)

This amendment removes from the bill the requirement that the Judicial Branch pay all bail commissioner fees. The Chief Justice of the Maine Supreme Judicial Court has committed to establishing a working group to address the challenges of the current bail system, including the issue of bail commissioner fees.

This amendment deletes from the bill the proposal that jail employees can prepare and execute a personal recognizance bond when a bail commissioner orders bail.

This amendment deletes from the bill the language eliminating the use of unsecured appearance bonds, therefore retaining the possibility that unsecured appearance bonds can be used.

This amendment deletes from the bill the requirement that the State pay the costs of supervision of a defendant when a defendant is released pretrial under the supervision of an organization that provides supervision and ensures the appearance of the defendant, and instead requires each county to maintain a pretrial release program or contract with an organization to supervise defendants subject to a pretrial release condition using the community corrections funds provided from the County Jail Operations Fund. The Supreme Judicial Court may adopt rules or orders that establish the requirements of the programs to ensure that defendants have substantially equal access to pretrial and conditional release across the State.

This amendment expands the opportunity for community service work for credit against unpaid fines to include Class C crime convictions. Current law allows public service work for credit against unpaid fines only for Class D and Class E crimes.

Enacted Law Summary

Public Law 2015, chapter 436 implements the following recommendations of the Intergovernmental Pretrial Justice Reform Task Force.

1. It specifies that a bail commissioner may not set preconviction bail for crimes involving domestic violence without specifying a court date within five weeks of the date of the bail order.
2. It specifies that, notwithstanding the Maine Revised Statutes, Title 15, section 1026, subsection 3, paragraph A, subparagraph (9-A), a bail commissioner may not impose as a condition of preconviction bail that a defendant submit to random search with respect to a prohibition on the possession, use or excessive use of alcohol or illegal drugs.
3. It amends standards for release on preconviction bail to include language in the conditions that specifies that a defendant refrain from the possession of alcohol and illegal drugs, in addition to the current condition that prohibits use or excessive use of alcohol or any drugs. The bill also specifies that this condition be imposed only if specific facts are provided to the judicial officer to support the imposition of the condition.

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4. It adds to the standards for release on preconviction bail language that a defendant be required to submit to a random search for possession possession or use of alcohol or illegal drugs.
5. It amends post-conviction bail to specify standards for bail with respect to a motion to revoke probation. A judge or justice may deny or grant bail and, in determining whether to admit the defendant to bail, the judge or justice shall consider the nature of the circumstances of the crime for which the defendant was sentenced to probation and the nature of the alleged violation of and any records of prior violations of probation.
6. It repeals Title 15, section 1073-A, which provides that if a defendant violated a condition of bail then the person who posted the bail or the surety must have the bond released or all of the money returned, unless the person previously acted as surety for the same defendant and the defendant previously failed to comply with conditions.
7. It requires that in an initial proceeding on a probation violation for which a person is committed without bail pending hearing, the date of the hearing must be set no later than 45 days from the date of the initial appearance unless otherwise ordered by the court.
8. It allows the court to suspend all or part of the minimum mandatory fine for assault, certain drug crimes and operating a motor vehicle while a person's license is suspended or revoked, and it lists criteria that a court may consider in making the decision to suspend the fine.
9. It amends the amount of payment for community service that may be credited against the unpaid fine for offenders who have been sentenced to pay a fine and who have defaulted from no less than \$25 for every 8 hours to a rate equal to the current hourly minimum wage. It expands the opportunity for community service work for credit against unpaid fines to include Class C crime convictions. Current law allows public service work for credit against unpaid fines only for Class D and Class E crimes.
10. It requires counties to use at least a portion of the community corrections funds they currently receive under the Maine Revised Statutes, Title 34-A, section 1210-D to provide pretrial and conditional release programs when imposed as a condition of pretrial bail. The programs may be conducted by the counties or under a contract with one or more organizations that provide such supervision. The Supreme Judicial Court may adopt rules or orders that establish the requirements of the programs to ensure that defendants have substantially equal access to pretrial and conditional release across the State.

LD 1642 An Act Regarding Stolen Valor

PUBLIC 437

<u>Sponsor(s)</u> THIBODEAU M	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-454
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Public Law 2015, chapter 21 amended the law governing theft by deception to specifically include as deception false claims of being a veteran or a member of the Armed Forces of the United States or a state military force. This bill specifies instead that the intentional creation or reinforcement of a false impression that a person is such a veteran or member constitutes deception under this law. This bill also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.

Committee Amendment "A" (S-454)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2015, chapter 437 amends the law governing theft by deception to specifically include as deception the

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intentional creation or reinforcement of a false impression of being a veteran or a member of the Armed Forces of the United States or a state military force. It also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.

LD 1643 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 494
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-672

This bill corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-672)

This amendment amends the bill to designate the contents of the bill as Part A. It makes technical corrections to the bill, makes several language changes to more accurately clarify corrections and adds retroactive application sections to two sections included in the printed bill. The amendment also adds additional corrections, some of which are substantive.

Enacted Law Summary

Public Law 2015, chapter 494 makes several technical and substantive corrections to the laws of Maine.

Part A consists of technical corrections included in the original bill, and Part B includes additional technical corrections.

Part C amends several laws to provide for notification to the appropriate authorities when contingencies occur that affect the effective date or repeal of specific laws.

Part D contains changes that are or may be considered substantive. Part D makes the following changes:

1. Corrects a clerical error that used the term “key employee” when the appropriate term is “key executive” with regard to a person applying for a license from the Gambling Control Board;
2. Corrects a conflict created by Public Law 2015, chapters 90, 127, 136, 245, 281 and 301, which affected the same subsection of law governing hunting licenses, combination licenses and fees, by incorporating the changes made by all six laws and corrects an inconsistency created by Public Law 2015, chapter 127, which removed the prohibition against hunting turkey by holders of small game licenses but not against holders of nonresident small game apprenticeship hunter licenses and nonresident three-day small game hunting licenses;
3. Corrects an inconsistency concerning the specific laws governing disqualifying offenses for an unlicensed assistive person who provides direct access services. The Maine Revised Statutes, Title 22, section 1812-J, subsection 7 provides that an employment ban based on a disqualifying offense for an unlicensed assistive person to provide direct access services is a lifetime ban. Title 22, section 9054 provides a process for an unlicensed assistive person who is banned from employment because of a disqualifying offense to request a waiver. Section D-3 corrects this inconsistency by removing the language in Title 22, section 1812-J, subsection 7 that states than an employment ban based on a disqualifying offense is a lifetime employment ban;
4. Removes youth camps from a list of facilities exempted from the laws requiring licensure because youth camps are required to be licensed as youth camps, although they are not required to be licensed as lodging places. It also corrects a clerical error;

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5. Changes the laws of the Department of Health and Human Services regarding elder and adult services to remove references to the Director of the Bureau of Elder and Adult Services, a defunct position, and replaces them with references to the Commissioner of Health and Human Services;

6. Re-enacts language concerning Class A restaurant and off-premise retail licensee on same premises which was repealed by its own terms before the enactment of the law to eliminate the repeal took effect. Public Law 2015, chapter 162 amended Title 28-A, section 10, subsection 2-A to remove language repealing subsection 2-A on September 30, 2015. Public Law 2015, chapter 162 did not take effect until October 15, 2015, after the repeal took effect. Section D-9 enacts Title 28-A, section 10, subsection 2-B to reflect the intent of the Legislature to maintain the provisions of Title 28-A, section 10, subsection 2-A. Section D-10 makes that enactment apply retroactively to September 30, 2015; and

8. Corrects clerical errors in Public Law 2015, chapter 267, Part OOOO, section 7 concerning the application date of sales tax exemptions. This was included as Section 51 of the bill. Section D-12 makes the corrections apply retroactively to June 30, 2015, the effective date of Public Law 2015, chapter 267.

Public Law 2015, chapter 494 was enacted as an emergency measure effective April 27, 2016.

LD 1654 An Act To Strengthen Protection from Abuse Laws

ONTP

Sponsor(s)
HEAD F

Committee Report
ONTP

Amendments Adopted

This bill requires a court to sentence a person convicted of violating a protective order or court-approved consent agreement, currently a Class D crime, to a minimum term of imprisonment of 30 days. Subsequent convictions of violating a protective order or court-approved consent agreement are subject to enhanced minimum sentences.

This bill also requires a court to sentence a person convicted of violating a protective order through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order, currently a Class C crime, to a minimum term of imprisonment of two years; subsequent convictions are subject to enhanced minimum sentences.

This bill also creates the Class C crime of false claim, which occurs when a person during a proceeding for a protection from abuse petition makes a false claim of abuse or neglect or abandonment of a child or alleges sexual exploitation of a minor, sex trafficking, aggravated sex trafficking or patronizing prostitution of a minor or person with a mental disability and that claim or allegation is made for the purpose of gaining an advantage in a divorce proceeding.

LD 1689 An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes

**PUBLIC 497
EMERGENCY**

Sponsor(s)
MAKER J
DIAMOND G

Committee Report
OTP-AM

Amendments Adopted
H-671

This bill requires that, beginning September 1, 2016, child care facilities licensed by the Department of Health and Human Services and family child care providers certified by the department submit fingerprints for criminal background checks for care providers and staff.

Committee Amendment "A" (H-671)

Joint Standing Committee on Judiciary

This amendment replaces the bill. It directs the Department of Health and Human Services to adopt rules to require criminal background checks for all family child care providers and staff members of child care facilities and family child care providers, to be effective September 1, 2017. The required criminal background checks must meet the requirements of 42 United States Code, Section 9858f(b) for all family child care providers, all child care staff members whose activities involve the care or supervision of children for a child care facility or a family child care provider and all adults who have unsupervised access to children who are cared for or supervised by a child care facility or family child care provider. The rules are major substantive rules and must be provisionally adopted and submitted for legislative review by the joint standing committee of the 128th Legislature having jurisdiction over judiciary matters by January 12, 2017.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may submit to the 128th Legislature a bill necessary to implement the criminal background check requirements.

This amendment includes an emergency preamble and an emergency clause.

Enacted Law Summary

Public Law 2015, chapter 497 directs the Department of Health and Human Services to adopt rules to require criminal background checks for all family child care providers and staff members of child care facilities and family child care providers, to be effective September 1, 2017. The required criminal background checks must meet the requirements of 42 United States Code, Section 9858f(b) for all family child care providers, all child care staff members whose activities involve the care or supervision of children for a child care facility or a family child care provider and all adults who have unsupervised access to children who are cared for or supervised by a child care facility or family child care provider. The rules are major substantive rules and must be provisionally adopted and submitted for legislative review by the joint standing committee of the 128 th Legislature having jurisdiction over judiciary matters by January 12, 2017.

The joint standing committee of the Legislature having jurisdiction over judiciary matters may submit to the 128th Legislature a bill necessary to implement the criminal background check requirements. See also H.P. 1167, Joint Study Order To Establish a Working Group To Study Background Checks for Child Care Facilities and Providers.

Public Law 2015, chapter 497 was enacted as an emergency measure effective April 29, 2016.

Joint Standing Committee on Judiciary

SUBJECT INDEX

Child Abuse and Child Protection

Enacted

LD 1224 An Act To Amend the Child Protective Services Laws PUBLIC 501

Children and Child Care

Enacted

LD 1065 An Act To Amend the Law Regarding Temporary Powers of Attorney over Minors and To Require Organizations To Screen Agents before Providing Care PUBLIC 467

LD 1518 An Act To Ensure Children in the Care of Caretaker Relatives and Other Surrogates Can Access Health Care PUBLIC 444

LD 1689 An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes PUBLIC 497
EMERGENCY

Courts and Court Procedure

Enacted

LD 775 An Act To Streamline Judicial Review of Certain Land Use Decisions PUBLIC 459

LD 890 An Act To Ensure a Continuing Home Court for Cases Involving Children PUBLIC 460

LD 1528 An Act To Modernize and Consolidate Court Facilities PUBLIC 468

Not Enacted

LD 1163 An Act To Amend the Garnishment Laws of the State ONTP

Domestic Violence/Protection from Abuse

Enacted

LD 1531 An Act To Protect Victims of Human Trafficking PUBLIC 443

Not Enacted

LD 1563 An Act To Enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act Died On
Adjournment

LD 1654 An Act To Strengthen Protection from Abuse Laws ONTP

Family Law

Enacted

LD 1477	An Act To Protect Victims of Sexual Assault	PUBLIC 427
LD 1532	An Act To Clarify Financial Responsibility in Gestational Carrier Agreements	PUBLIC 456 EMERGENCY

Not Enacted

LD 1562	An Act To Make Technical Changes to the Laws Governing Child Support	Veto Sustained
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Freedom of Access/Confidentiality/Privacy

Enacted

LD 1241	An Act To Increase Government Efficiency	PUBLIC 449
LD 1499	An Act To Increase the Safety of Social Workers	PUBLIC 476

Not Enacted

LD 1586	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings	Majority (ONTP) Report
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Human Rights and Medical Rights

Enacted

LD 1601	An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals	PUBLIC 457
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Not Enacted

LD 221	An Act To Amend the Laws Regarding Service Animal Housing Accommodations	ONTP
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Enacted

LD 778	Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 75 EMERGENCY
LD 1460	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	RESOLVE 74 EMERGENCY

Not Enacted

LD 8	Resolve, Regarding Legislative Review of Portions of Chapter 301: Fee Schedule and Administrative Procedures for Payment of Commission Assigned Counsel, a Major Substantive Rule of the Maine Commission on Indigent Legal Services	ONTP
LD 1433	An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services	Majority (ONTP) Report

Miscellaneous

Enacted

LD 1500 An Act To Protect and Promote Access to Sport Shooting Ranges PUBLIC 433

LD 1642 An Act Regarding Stolen Valor PUBLIC 437

Not Enacted

LD 1214 An Act To Implement the Recommendations of the Mental Health Working Group ONTP

LD 1488 An Act To Support Substance Abuse Assistance Projects Provided by Municipalities and Counties Died On Adjournment

LD 1565 An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners Veto Sustained

Pretrial Justice and Bail

Enacted

LD 1639 An Act To Implement the Recommendations of the Intergovernmental Pretrial Justice Reform Task Force PUBLIC 436

Not Enacted

LD 951 An Act To Restore Judicial Discretion in the Administration of Fines ONTP

Probate Code and Trust Code

Enacted

LD 1322 Resolve, To Direct Legislative Staff To Recodify and Revise the Maine Probate Code and To Direct the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission To Study and Make Recommendations on Related Issues RESOLVE 73

Not Enacted

LD 1177 An Act To Enact the Recommendations of the Probate and Trust Law Advisory Commission Regarding the Maine Uniform Fiduciary Access to Digital Assets Act ONTP

Statutes

Enacted

LD 1643 An Act To Correct Errors and Inconsistencies in the Laws of Maine PUBLIC 494 EMERGENCY

Torts, Immunity and Medical Malpractice

Enacted

LD 1605 An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide PUBLIC 451

Not Enacted

LD 1181 An Act To Limit Liability for Certain Successor Corporations under Specific Circumstances Died In Concurrence

LD 1311 An Act To Establish the Patient Compensation System Act Died On
Adjournment

Tribal-State Relations

Not Enacted

LD 267 An Act To Implement the Recommendations of the Truth and ONTP
Reconciliation Commission

LD 268 An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Died On
Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Adjournment
Act of 2010 and the Federal Violence Against Women Reauthorization Act
of 2013