

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> LEGISLATURE

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## LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 127<sup>th</sup> Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

*Joint Standing Committee on Judiciary*

**Enacted Law Summary**

Public Law 2015, chapter 254 allows nonprofit corporations, business corporations and domestic limited partnerships to apply for reinstatement more than six years after being administratively dissolved. It also establishes a maximum reinstatement fee for a nonprofit corporation, comparable to the maximum fees that are allowed for the other entities under current law.

**LD 1433     An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services**

**CARRIED OVER**

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

This bill establishes a statewide public defender system. The purposes of this bill are to:

1. Provide effective assistance of counsel to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State;
2. Ensure that the system is free from undue political interference and conflicts of interest;
3. Provide for the delivery of public defender services by qualified and competent counsel in a manner that is fair and consistent throughout the State;
4. Establish a system that uses state employees, contracted services and other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests;
5. Ensure that adequate public funding of the statewide public defender system is provided and the system is managed in a fiscally responsible manner; and
6. Ensure that a person using the services of a statewide public defender system pay reasonable costs for services provided by the system based on the person's financial ability to pay.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 1434     An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities**

**PUBLIC 218**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STETKIS	OTP-AM	H-409

This bill provides that:

1. If a law enforcement officer transports or causes to be transported to a hospital or mental health facility a person who is in the custody of that law enforcement officer, the hospital or mental health facility may not discharge that person from care unless the person leaves in the custody of a licensed law enforcement officer and the hospital or mental health facility must provide to that law enforcement officer or the relevant law enforcement agency a report that includes, if known, the name, residence, sex and age of the person and the date and time at which the person is scheduled to be discharged;

## *Joint Standing Committee on Judiciary*

2. Law enforcement officers be given full access to hospitals and mental health facilities in order to serve defendants with protection from abuse orders; and

3. A hospital, mental health facility or other person who in good faith makes a report, provides information or cooperates in an investigation in accordance with the Maine Revised Statutes, Title 34-B, section 1207, subsection 10 is immune from civil or criminal liability or professional licensure action arising out of that action or actions.

### **Committee Amendment "A" (H-409)**

This amendment replaces the bill. It authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under specific circumstances. The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

### **Enacted Law Summary**

Public Law 2015, chapter 218 authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under the following specific circumstances:

1. To assist law enforcement agency in serving a protection from abuse order to a person who is a patient in the hospital; or
2. To notify a law enforcement agency that brought a patient to the hospital that the patient is leaving the hospital so that the agency may arrest the patient.

The hospital may provide this information only if the request from law enforcement is consistent with the federal Health Insurance Portability and Accountability Act of 1996 privacy regulations, 45 Code of Federal Regulations, Section 164.512 (2015) and the federal privacy regulations for drug and alcohol abuse patients, 42 Code of Federal Regulations, Part 2 (2015).

The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

### **LD 1438      An Act To Include Muzzle-loading Firearms, Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders**

**PUBLIC 217**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD	OTP-AM	H-424

Current law authorizes the court to prohibit a defendant who is subject to a protection from abuse order from possessing a firearm or other dangerous weapon during the duration of the order. This bill amends that law to specifically include bows and crossbows as weapons that the court may prohibit a defendant from possessing during the duration of a protection from abuse order.

### **Committee Amendment "A" (H-424)**

This amendment includes the specific mention of muzzle-loading firearms as a type of dangerous weapon the possession of which may be prohibited by a protection from abuse order.

### **Enacted Law Summary**

Public Law 2015, chapter 217 authorizes the court to prohibit a defendant who is subject to a protection from abuse