

MAINE STATE LEGISLATURE

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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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STATE OF MAINE

127TH LEGISLATURE

SECOND REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

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

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

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. 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

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.

Joint Standing Committee on Judiciary

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