

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

STAFF:

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST
HENRY D. FOUTS, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla>

MEMBERS:

SEN. DAVID C. BURNS, CHAIR
SEN. AMY F. VOLK
SEN. CHRISTOPHER K. JOHNSON

REP. BARRY J. HOBBS, CHAIR
REP. KIMBERLY J. MONAGHAN
REP. MATTHEW W. MOONEN
REP. JOYCE MCCREIGHT
REP. CHARLOTTE WARREN
REP. STACEY K. GUERIN
REP. ROGER L. SHERMAN
REP. PHYLLIS A. GINZLER
REP. LLOYD C. HERRICK
REP. JEFFREY EVANGELOS
REP. THEODORE BEAR MITCHELL I

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

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

Joint Standing Committee on Judiciary

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.