

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> 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

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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 Second 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.

*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 127<sup>th</sup> 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*

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,

## *Joint Standing Committee on Judiciary*

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**

Sponsor(s)

BURNS D  
HOBBINS B

Committee Report

OTP-AM

Amendments Adopted

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**

Sponsor(s)

THIBODEAU M  
GUERIN S

Committee Report

Amendments Adopted

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