

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

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>

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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

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 |
|-------------------|-----------------------------------|------------------------------------|

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