

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



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

JOINT STANDING COMMITTEE ON JUDICIARY

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions of the 128th 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 FINAL 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

LD 1695 An Act To Clarify Educational Placement and Notification in Regard to Parental Rights and Responsibilities

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THIBODEAU M	ONTP OTP-AM	

This bill is a concept draft pursuant to Joint Rule 208 that proposes to clarify the law governing a school's responsibility to notify the parent of a minor child upon the registration in school of that child by another parent.

This bill was originally referred to the Joint Standing Committee on Education and Cultural Affairs, which recommended re-referring the bill to the Joint Standing Committee on Judiciary.

Committee Amendment "A" (H-692)

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft, and does the following.

1. It prohibits a parent from transferring a child from one primary or secondary school to a different primary or secondary school without the consent of all other persons having parental rights with respect to the child unless a court of competent jurisdiction has awarded the parent sole parental rights and responsibilities with respect to the child or has allocated to the parent the right to make education decisions for the child or the right to enroll the child in school. It requires the parent who seeks to transfer the child from one primary or secondary school to another primary or secondary school to provide written documentation demonstrating the parent's authority to enroll the child.
2. It authorizes a court that is determining parental rights and responsibilities to consider the fact that a parent who has not been granted the authority to make school enrollment decisions for a child has transferred the child to a different primary or secondary school without the consent of other persons having parental rights.

LD 1716 An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J DIAMOND B	OTP-AM	H-579 H-612 MOONEN M

This bill extends Good Samaritan liability protection to cover emergency medical services persons and law enforcement dog handlers who treat law enforcement dogs, search and rescue dogs and service dogs in emergency situations.

Committee Amendment "A" (H-579)

This amendment replaces the bill's definition of "emergency medical services person" with a definition cross-referencing the existing definition of "emergency medical services' person" in the Maine Emergency Medical Services Act of 1982.

House Amendment "A" (H-612)

This amendment revises the bill to allow any law enforcement officer who has been trained to provide rescue services to provide those services for a law enforcement dog, search and rescue dog or service dog while being

Joint Standing Committee on Judiciary

subject to the bill's immunity. It defines the term "security services dog handler." It also clarifies that the immunity applies only if the law enforcement officer, security services dog handler or emergency medical services person has received training in the medical stabilization of dogs.

Enacted Law Summary

Public Law 2017, chapter 338 provides Good Samaritan liability protection to cover emergency medical services persons, law enforcement dog handlers and security services dog handlers who treat law enforcement dogs, search and rescue dogs and service dogs in emergency situations as long as the emergency medical services person, the law enforcement officer or security services dog handler has received training in the medical stabilization of dogs.

LD 1717 An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M HILL D	OTP-AM	H-596

This bill authorizes the Chief Medical Examiner to assume responsibility for the disposal of abandoned human remains that are the subject of a medical examiner case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. It also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.

Committee Amendment "A" (H-596)

The Department of the Attorney General, Office of Chief Medical Examiner currently has authority to make appropriate disposition of unidentified human remains and identified human remains without a connection to the State. This amendment clarifies that the bill provides similar authorization to the Office of Chief Medical Examiner to make appropriate disposition of identified but abandoned human remains with a connection to the State and that the State is the payor of last resort.

Enacted Law Summary

Public Law 2017, chapter 335 authorizes the Chief Medical Examiner to assume responsibility for the disposal of identified human remains with a connection to the State that are the subject of a medical examiner case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. The State is the payor of last result for the costs of appropriate disposition.

Chapter 335 also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.

LD 1763 An Act To Authorize Certain Health Care Professionals Who Are Not Physicians To Perform Abortions

Died On
Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J KATZ R		

This bill was carried over from the Second Regular Session to the Second Special Session by joint order S.P. 748. This bill was not referred to committee.

This bill allows a physician assistant or an advanced practice registered nurse licensed as such in this State to