

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.

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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

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perform abortions, in addition to a licensed allopathic or osteopathic physician.

**LD 1788 *An Act To Enhance Safety for Victims of Sexual Assault and Stalking
and To Amend the Laws Governing Harassment and Protection from
Abuse***

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S ROSEN K	OTP-AM	H-689 H-783 MOONEN M

This bill adds violations that may form the basis of the issuance of a protection from harassment order. It adds harassment by telephone or by electronic communication device to the list of types of cases in which a plaintiff is not required to file a copy of a notice to stop harassing the plaintiff issued to the defendant in order to commence a protection from harassment proceeding.

The bill provides that a person is guilty of harassment by telephone or by electronic communication device if by means of telephone or electronic communication device the person sends an image or video of a sexual act, of sexual contact or of the actor's or another person's genitals without the consent of the person called or contacted.

The bill adds violations that may form the basis of the issuance of a protection from abuse order to protect a minor.

The bill amends the law governing remedies available to tenants who are victims of domestic violence, sexual assault or stalking by expanding the forms of acceptable documentation that may be provided to landlords to include copies of police reports prepared in response to investigations of sexual assault or stalking and copies of criminal complaints, indictments or convictions for charges of sexual assault or stalking.

See also LD 1838 (Criminal Justice and Public Safety Committee), now Public Law 2017, chapter 397.

Committee Amendment "A" (H-689)

This amendment removes the expansion of the crime of harassment by telephone or by electronic communication device as proposed in the bill. It also removes the cross-references to the expanded crime in the protection from harassment and protection from abuse laws.

House Amendment "A" to Committee Amendment "A" (H-783)

This amendment updates provisions that relate to the crime of harassment by telephone or electronic communication device to conform to the new descriptions of conduct of that crime contained in Public Law 2017, chapter 397. This amendment ensures that harassment by telephone or electronic communication device as described in chapter 397 is conduct that can be subject to protection from harassment orders and protection from abuse orders.

Enacted Law Summary

Public Law 2017, chapter 455 adds violations that may form the basis of the issuance of a protection from abuse order to protect a minor and amends the law governing remedies available to tenants who are victims of domestic violence, sexual assault or stalking by expanding the forms of acceptable documentation that may be provided to landlords to include copies of police reports prepared in response to investigations of sexual assault or stalking and copies of criminal complaints, indictments or convictions for charges of sexual assault or stalking.

Chapter 455 updates the categories of conduct leading to a protection from harassment order to include the expanded crime of harassment by telephone or electronic communication device. Chapter 455 ensures that harassment by telephone or electronic communication device as described in Public Law 2017, chapter 397