

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

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

Joint Standing Committee on Judiciary

(LD 1838, Criminal Justice and Public Safety Committee) is conduct that can be subject to protection from harassment orders and protection from abuse orders.

LD 1793 An Act To Ensure Propane Delivery during Emergencies

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B FAY J	ONTP	

This bill allows a person who is not the owner of a liquefied petroleum gas container to fill or refill that container with propane during the period for which the Governor has issued an emergency declaration relating to heating fuel shortages, if the owner of the container authorizes that person to fill or refill the container. The bill does not require a person who is authorized by an owner to fill or refill a liquefied petroleum gas container to fill or refill that container. The bill provides a limitation of liability for the liquefied petroleum gas container owner and the person who fills or refills the container.

LD 1812 Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services

**RESOLVE 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-657

This resolve is a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It directs the Legislative Council to contract for an independent, nonpartisan, objective evaluation of and report on the provision of indigent legal services with a nonprofit organization that conducts such evaluations. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to report out legislation based on the report.

Committee Amendment "A" (H-657)

This amendment is the majority report of the committee. It replaces the appropriations and allocations section in the resolve to transfer funds from the All Other account of the Maine Commission on Indigent Legal Services to pay for the independent, nonpartisan study.

Enacted Law Summary

Resolve 2017, chapter 52 directs the Legislative Council to contract for an independent, nonpartisan, objective evaluation of and report on the provision of indigent legal services with a nonprofit organization that conducts such evaluations. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to report out legislation based on the report.

Chapter 52 was finally passed as an emergency measure effective April 21, 2018.

LD 1817 An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services

**PUBLIC 430
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-756