

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> 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

128<sup>TH</sup> 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 128<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 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 128<sup>th</sup> 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*

This amendment was not adopted.

### **Senate Amendment "A" To Committee Amendment "A" (S-498)**

This amendment provides that a restrained individual is entitled to legal counsel and authorizes restrained individuals to request the court to appoint legal counsel. Upon a finding of indigency, the court must appoint legal counsel at public expense. It adds representation of restrained individuals to the purposes of the Maine Commission on Indigent Legal Services. It authorizes a restrained individual to move for dissolution of a temporary community protection order. It clarifies subsection headnotes. It adds an appropriations and allocations section.

This amendment was not adopted.

**LD 1885**

### **An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts**

**Died On  
Adjournment**

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill was carried over from the Second Regular Session to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

This bill is reported out by the Joint Standing Committee on Judiciary to implement a recommendation in the report of the Task Force To Address the Opioid Crisis in the State. It provides additional funding for the Judicial Department to establish a new drug court in the State for up to 30 participants or to expand by up to 30 the number of participants served by existing drug courts in the State pursuant to the Maine Revised Statutes, Title 4, section 421. The bill also provides funding for the case management and ancillary services provided to drug court participants by the office of substance abuse and mental health services within the Department of Health and Human Services.

Public Law 2017, chapter 460, Part J provides the funding proposed by LD 1885.

### **LD 1889      Resolve, To Establish the Blue Ribbon Commission on Community Safety**

**Died On  
Adjournment**

Sponsor(s)

Committee Report

Amendments Adopted

MALABY R

OTP-AM

H-776

This bill was reported out by the committee as a resolve. It was carried over from the Second Regular Session to the Second Special Session on the Special Study Table by joint order S.P. 748.

Under current law, for the purpose of admission to a progressive treatment program a determination that a person poses a likelihood of serious harm takes into consideration the likelihood that a person's mental health will deteriorate and that the person will in the foreseeable future pose a likelihood of serious harm. This bill expands the definition of "likelihood of serious harm" to apply those same considerations for purposes other than admission to a progressive treatment program.

### **Committee Amendment "A" (H-776)**

This amendment replaces the bill with a resolve that establishes the Blue Ribbon Commission on Community Safety