

# 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      Died On**  
**Address the Opioid Crisis in the State Regarding Increased Access to      Adjournment**  
**Drug Courts**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	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      Died On**  
**Safety      Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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

## *Joint Standing Committee on Judiciary*

to explore appropriate methods to identify individuals who pose a significant risk of serious bodily injury or death to themselves or other persons and to intervene to diminish the risk while preserving the civil liberties of such individuals to the extent possible. The commission is required to submit a report by November 7, 2018, that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee of the Legislature having jurisdiction over judiciary matters is authorized to introduce legislation to the First Regular Session of the 129th Legislature related to the subject matter of the report. The amendment provides a new title, Resolve, To Establish the Blue Ribbon Commission on Community Safety.

**LD 1894     An Act To Correct Errors and Inconsistencies in the Laws of Maine**

**PUBLIC 475  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-782 S-494    KEIM L H-809    LUCHINI L

This bill was reported out by the committee during the Second Regular Session and carried over to the next special session by joint order S.P. 748.

This bill makes technical corrections in the laws of Maine.

### **Committee Amendment "A" (H-782)**

This amendment deletes sections 7 to 9, 24, 43, 48 to 54, 75, 76, 81 and 82 from the bill because the sections conflict with newly enacted legislation or legislation that is currently pending. This amendment deletes sections 65 and 73 from the bill and includes them in amended form in Part B. This amendment deletes sections 78 to 80 from the bill, which proposed to delete cross-references to the repealed gasoline tax indexing law. This amendment renumbers two sections of the bill to place them in the correct statutory order.

Part B of the amendment amends the Maine Revised Statutes, Title 32, section 2180, subsection 1 to clarify that the effective date of the Nurse Licensure Compact in this State is the date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. Part B also corrects an additional cross-reference to the tax credit for disability income protection plans in the workplace.

Part C makes the following corrections, which may be considered substantive.

1. Sections 1 and 3 correct cross-references to the Maine Uniform Building and Energy Code.
2. Section 2 corrects a formatting error in the Maine Administrative Procedure Act and makes grammatical changes.
3. Sections 4, 5 and 6 amend the laws governing the condemnation of property for the construction or expansion of school buildings or playgrounds to provide authority to regional school units.
4. Section 7 removes language that the Joint Standing Committee on Health and Human Services intended to remove in the majority committee amendment to L.D. 454 of the First Regular Session of the 128th Legislature, which was enacted by the Legislature.
5. Sections 8, 9 and 10 amend the deadlines for local option petitions, filing written objections to nomination papers or caucus nomination certificates and candidate withdrawals, respectively, to be consistent with a change made in the First Regular Session of the 128th Legislature.