

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2019

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STATE OF MAINE

129TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th 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 date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. 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 82 An Act To Determine the Necessity for a Public Guardian or
Conservator Bond**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CARPENTER M		

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement recommendations relating to the bond requirements for public guardians and conservators under the Maine Revised Statutes, Title 18-C, section 5-710. The recommendations must be based on a review of the bond requirements to determine whether the requirements should be changed.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

**LD 89 An Act To Impose Requirements on the Rental of Residential Property
That Has Been Used in the Manufacture of Methamphetamine**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A WOODSOME D		

This bill requires that landlords and other persons entering into a lease or tenancy at will agreement for residential property ensure that property used in the manufacture of methamphetamine be decontaminated and tested in accordance with the standards established by the United States Environmental Protection Agency's March 2013 revised edition of the Voluntary Guidelines for Methamphetamine Laboratory Cleanup or other standards established in rule by the Department of Economic and Community Development. The bill also requires that landlords and other persons entering into a lease or tenancy at will agreement disclose to the potential tenant or lessee that a property has been used in the manufacture of methamphetamine. The bill makes violation of these provisions a civil violation, punishable by a fine of up to \$500, and also states that failure to decontaminate or disclose constitutes a breach of the implied warranty of fitness for human habitation. The bill gives the Department of Economic and Community Development authority to adopt rules to implement these provisions.

This bill was carried over to any special or regular session, or both, of the 129th Legislature pursuant to joint order, H.P. 1322.

**LD 96 An Act To Require Disclosure at the Sale or Transfer whether
Methamphetamine Is Present or Has Been Removed from Real Estate**

PUBLIC 234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A WOODSOME D	OTP-AM	H-386

This bill amends the law requiring disclosures by the seller of residential real property to require the seller to disclose whether the property has been used for the manufacture of methamphetamine.

Committee Amendment "A" (H-386)

The bill requires a seller of residential real property to disclose that the property has been used in the manufacture

Joint Standing Committee on Judiciary

of methamphetamine. Current law requires the disclosure of the presence or prior removal of any hazardous materials. This amendment strikes and replaces the text of the bill to include methamphetamine as a specific hazardous material, the presence or prior removal of which must be disclosed by the seller of the residential real property.

Enacted Law Summary

Public Law 2019, chapter 234, includes methamphetamine as a specific hazardous material, the presence or prior removal of which must be disclosed by the seller of the residential real property. Current law requires the disclosure of the presence or prior removal of any hazardous materials.

LD 187 An Act To Restore the Laws Governing the Reunification of Parents and Children Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L GRATWICK G	ONTP OTP	

Recently enacted law eliminated language that established family rehabilitation and reunification as a priority under the Child and Family Services and Child Protection Act. This bill restores family rehabilitation and reunification as a priority under the laws governing child protective services.

LD 194 An Act To Allow the Reduction of a MaineCare Lien CARRIED OVER

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

Under current law, when MaineCare benefits are provided to an individual for the costs of injury, disability or other occurrence for which a third party is held liable, the Commissioner of Health and Human Services is entitled to recover the costs of MaineCare benefits, and the statutory lien may not be reduced to reflect an assessment of a pro rata share of the recipient's attorney's fees or litigation costs. This bill amends that provision of law to allow the statutory lien to be reduced.

This bill was carried over to any special or regular session, or both, of the 129th Legislature pursuant to joint order, H.P. 1322.

LD 208 An Act Regarding Small Claims Court Jurisdiction ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRADSTREET D GUERIN S	ONTP	

This bill increases the jurisdictional limits for small claims from \$6,000 to \$15,000.