

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
127<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2015

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# STATE OF MAINE

127<sup>TH</sup> 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 127<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.

<i>CARRIED OVER</i> .....	<i>carried over to a subsequent session of the Legislature</i>
<i>CON RES XXX</i> .....	<i>chapter # of constitutional resolution passed by both houses</i>
<i>CONF CMTE UNABLE TO AGREE</i> .....	<i>Committee of Conference unable to agree; legislation died</i>
<i>DIED BETWEEN HOUSES</i> .....	<i>House &amp; Senate disagreed; legislation died</i>
<i>DIED IN CONCURRENCE</i> .....	<i>defeated in each house, but on different motions; legislation died</i>
<i>DIED ON ADJOURNMENT</i> .....	<i>action incomplete when session ended; legislation died</i>
<i>EMERGENCY</i> .....	<i>enacted law takes effect sooner than 90 days after session adjournment</i>
<i>FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE</i> .....	<i>emergency failed to receive required 2/3 vote</i>
<i>FAILED, ENACTMENT or FINAL PASSAGE</i> .....	<i>failed to receive final majority vote</i>
<i>FAILED, MANDATE ENACTMENT</i> .....	<i>legislation proposing local mandate failed required 2/3 vote</i>
<i>HELD BY GOVERNOR</i> .....	<i>Governor has not signed; final disposition to be determined at subsequent session</i>
<i>LEAVE TO WITHDRAW</i> .....	<i>sponsor's request to withdraw legislation granted</i>
<i>NOT PROPERLY BEFORE THE BODY</i> .....	<i>ruled out of order by the presiding officer; legislation died</i>
<i>INDEF PP</i> .....	<i>indefinitely postponed; legislation died</i>
<i>ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X</i> ....	<i>ought-not-to-pass report accepted; legislation died</i>
<i>P&amp;S XXX</i> .....	<i>chapter # of enacted private &amp; special law</i>
<i>PUBLIC XXX</i> .....	<i>chapter # of enacted public law</i>
<i>RESOLVE XXX</i> .....	<i>chapter # of finally passed resolve</i>
<i>VETO SUSTAINED</i> .....	<i>Legislature failed to override Governor's veto</i>

The effective date for non-emergency legislation enacted in the First Regular Session of the 127<sup>th</sup> Legislature is October 15, 2015. 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*

needed to implement or promote the system.

**LD 199      An Act To Improve the Reporting of Child Abuse**

**PUBLIC 117**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND	OTP-AM	S-93

This bill amends the law regarding mandated reporters of suspected child abuse and neglect and of the suspicious death of a child by striking language allowing those reporters to cause someone else to make a report. Individual mandated reporters are still required to report suspected child abuse and neglect and suspicious death of a child.

**Committee Amendment "A" (S-93)**

The bill eliminates language allowing mandated reporters of child abuse and neglect to report to an institution, facility or agency rather than directly to the Department of Health and Human Services. This amendment retains the current language and instead requires a mandated reporter, described as the "notifying person," to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. The amendment also prohibits an employer from taking any action to prevent or discourage an employee from making a report. The amendment adds similar requirements for reports that must be made to the appropriate district attorney's office.

**Enacted Law Summary**

Public Law 2015, chapter 117 requires a mandated reporter of child abuse and neglect, to acknowledge in writing that the mandated reporter has received confirmation that the report has been made by the institution, facility or agency to the department. If the mandated reporter does not receive that confirmation within 24 hours of notifying the institution, facility or agency, the mandated reporter is required to report directly to the department. An employer is prohibited from taking any action to prevent or discourage an employee from making a report. Chapter 117 adds similar requirements for reports that must be made to the appropriate district attorney's office.

**LD 206      An Act To Clarify Restrictions on Disclosure of E-9-1-1 System Information**

**PUBLIC 153**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-165

This bill amends the confidentiality provisions regarding the E-9-1-1 system as follows:

1. It replaces reference to a law enforcement officer with reference to a criminal justice agency;
2. It replaces reference to a criminal investigation with reference to the administration of criminal justice and the administration of juvenile justice; and
3. It allows release of audio recordings of E-9-1-1 calls to a person accused of a crime or that person's agent or attorney for the purposes of trial and sentencing if authorized by the prosecutor or prosecutorial office or a rule or order of a court of competent jurisdiction.

**Committee Amendment "A" (H-165)**

## *Joint Standing Committee on Judiciary*

This amendment adds a section to the bill to amend the current law definition of "confidential information" related to E-9-1-1 system information. The amendment provides that personally identifying information of a caller, a person receiving medical services or any other third party mentioned in an E-9-1-1 call is confidential. Current law protects only the name, address and telephone number of the caller and the name, address and telephone number and medical information of the person receiving medical services.

This amendment defines "personally identifying information" and "medical information." "Personally identifying information" means any information that directly or by reasonable inference might disclose the identity of or personal information about a specific person or persons. It does not include the name, title, official agency contact information or, when applicable, official agency identifying number of a public employee involved in a response to an emergency call in the course of carrying out the public employee's official duties. "Medical information" includes, but is not limited to, any information revealing or concerning a person's injury or injuries, physical health status, mental health status, medication use, medical history or medical treatment.

### **Enacted Law Summary**

Public Law 2015, chapter 153 amends the confidentiality provisions regarding the E-9-1-1 system to provide that personally identifying information of a caller, a person receiving medical services or any other third party mentioned in an E-9-1-1 call is confidential. It amends the current definition of "confidential information" and defines "personally identifying information" and "medical information." In addition, chapter 153 allows release of audio recordings of E-9-1-1 calls to a person accused of a crime or that person's agent or attorney for the purposes of trial and sentencing if authorized by the prosecutor or prosecutorial office or a rule or order of a court of competent jurisdiction.

**LD 210      An Act To Provide for Special Restrictions on Dissemination and Use of  
Criminal History Record Information for Class E Crimes Committed by  
an Adult under 21 Years of Age**

**PUBLIC 354**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO WELSH	OTP-AM	S-240

This bill establishes a process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction.

### **Committee Amendment "A" (S-240)**

This amendment changes the bill in two ways. First, it expands the crimes for which convictions are eligible for special treatment to cover all current and former Class E crimes, except any convictions for current or former Class E crimes contained in chapter 11 of the Maine Criminal Code defining sexual assaults. Second, this amendment eliminates the requirement that the Department of Public Safety, Bureau of State Police, State Bureau of Identification notify those persons who have received from the bureau within the last year criminal history record information pertaining to a person whose Class E crime conviction is subject to restricted dissemination. The amendment also adds an appropriations and allocations section.

### **Enacted Law Summary**

Public Law 2015, chapter 354 establishes a process to apply special restrictions on the dissemination and use of criminal history record information about a Class E criminal conviction, other than a conviction for a sexual assault, if the person committed the crime when at least 18 years of age but no more than 21. The person must have no other convictions and no charges pending. The person must file a motion with the court in the underlying criminal proceeding to apply for the special treatment.

Upon receipt of a court order, the Department of Public Safety, Bureau of State Police, State Bureau of