

# 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

FIRST REGULAR SESSION



## 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

Identification must promptly alter its records relating to the person's qualifying criminal conviction to reflect that future dissemination of this criminal history record information must be pursuant to the new procedure.

The criminal history record information relating to the criminal conviction is confidential and may not be disseminated by a criminal justice agency, whether directly or through any intermediary, except to the person and to a criminal justice agency for the purpose of the administration of criminal justice and criminal justice agency employment. Unlawfully releasing the restricted information is a violation of the release of confidential information under the criminal history record information laws.

If the person is convicted of a subsequent crime, the person is required to file a written notice in the underlying criminal proceeding.

The provisions establishing the process to apply special restrictions on the dissemination and use of criminal history record information about an eligible criminal conviction are repealed October 1, 2019.

### LD 221      **An Act To Amend the Laws Regarding Service Animal Housing Accommodations**

CARRIED OVER

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

This bill amends the laws regarding housing accommodations for individuals using service animals. It exempts a landlord from having to comply with provisions concerning service animals when the landlord has requested from an individual seeking an accommodation a letter written by a licensed health care professional or social worker that sets out details about the service animal and why the individual seeking the accommodation needs the service animal if the landlord has not received that letter within a reasonable period of time. It creates a presumption within the laws regarding forcible entry and detainer that a landlord does not have to make an accommodation for a service animal when the service animal's owner fails to comply with a set of requirements, including insurance coverage, sanitation and public safety. It allows a landlord to charge higher rent and higher security deposits and to require renter's insurance for an individual with a service animal. It also changes the law concerning rentals of one-family units in two-family dwellings exempted from the requirements of the Maine Human Rights Act by extending the exemption to one-family units in dwellings of four families or fewer.

See LD 872, Resolve 2015, chapter 36 (Agriculture, Conservation and Forestry Committee).

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

### LD 252      **An Act To Increase Transparency of Entities Receiving Substantial Amounts of Public Funding**

ONTP

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

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

This bill proposes to enact measures designed to increase transparency by requiring that entities that receive a certain percentage of their funding from the State disclose the sources of their funding and the names of their donors on a publicly accessible website within 30 days of receipt of the donation. If the donation is associated with a specific exhibit or program, the name of the donor must be prominently displayed at the exhibit or before or after the program.

*Joint Standing Committee on Judiciary*

The Judiciary Committee considered proposed committee amendments to address the conflict of interest disclosure policies of the Maine Public Broadcasting Network (MPBN), but did not go forward with the bill because MPBN revised its policies and made the new policies available on the MPBN.net website.

**LD 259      An Act To Increase Compensation for Jurors      ONTP**

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

This bill adds parking fees to the compensation paid to citizens who serve as jurors and increases their daily compensation rate from \$10 per day to \$25 per day.

Juror daily compensation and mileage reimbursement is included in the Biennial Budget, LD 1019, Public Law 2015, chapter 267, Part A, section A-43 and Part PPP.

**LD 267      An Act To Implement the Recommendations of the Truth and Reconciliation Commission      CARRIED OVER**

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

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

This bill proposes to implement the recommendations of the Maine Wabanaki-State Child Welfare Truth and Reconciliation Commission.

This bill was carried over to any special or regular session of the 127th Legislature by joint order, H.P. 992.

**LD 268      An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013      CARRIED OVER**

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

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Transferring jurisdiction over violations of a tribal ordinance from the State to the Passamaquoddy Tribe and the Penobscot Nation over a person who is not a member of either tribe or nation in accord with and to the extent authorized by federal law;
2. Increasing the level of certain criminal offenses from a maximum period of imprisonment of one year and a maximum fine amount of \$5,000 to a maximum period of imprisonment of three years and a maximum fine amount of \$15,000 over which the Penobscot Nation has the right to exercise exclusive jurisdiction as authorized by the federal Tribal Law and Order Act of 2010; and