

# 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.

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capped at the value of the predecessor corporation at the time of merger adjusted for inflation, but only for successor corporations that did not continue in the business of mining, selling, distributing, manufacturing, removing or installing asbestos-containing products.

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

### **LD 1186     An Act To Promote Professional Training and Security in Maine Courts**

**PUBLIC 238  
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY KATZ	OTP-AM	H-358

This bill authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

#### **Committee Amendment "A" (H-358)**

This amendment incorporates a fiscal note.

#### **Enacted Law Summary**

Public Law 2015, chapter 238 authorizes the State Court Administrator to establish fees on lawyers, guardians ad litem, interpreters, mediators and other professionals who routinely participate in court proceedings to cover the costs of training, orientation, continuing education, background investigations, entry screening and security provided to these professionals. The State Court Administrator also may establish fees on third parties to cover the costs of the use of court facilities for purposes not related to court functions by those third parties. All fees collected must be deposited in a nonlapsing Other Special Revenue Funds account to be used for these purposes only. This account may receive money from grants, gifts, bequests and donations.

Public Law 2015, chapter 238 was enacted as an emergency measure effective June 23, 2015.

### **LD 1203     An Act To Address the Detrimental Effects of Abandoned Property**

**PUBLIC 276**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY LAJOIE	OTP-AM	S-260

This bill authorizes municipalities, through the adoption of an appropriate ordinance, to provide for the care, maintenance and security of abandoned properties.

#### **Committee Amendment "A" (S-260)**

This amendment authorizes municipalities to provide for the care, maintenance and security of abandoned properties without adoption of an ordinance as proposed in the bill. The amendment retains the provisions of the bill regarding how abandonment is determined and allowing municipalities to recover their cost of maintaining abandoned properties through the application of a supplemental tax on the property. The amendment gives

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responsible parties 30 days from the date a permit is issued to correct identified property defects before the municipality will take corrective action if a permit is necessary. The definition of "responsible parties" is limited to record owners, and the daily fine against mortgagees and mortgagors for nonmaintenance as proposed in the bill is removed. The amendment also requires lenders to notify municipalities of the initiation of a foreclosure proceeding and to provide an in-state representative to respond to municipal inquiries.

### **Enacted Law Summary**

Public Law 2015, chapter 276 authorizes municipalities to provide for the care, maintenance and security of abandoned properties without adoption of an ordinance. It establishes procedures for how abandonment is determined and allows municipalities to recover their cost of maintaining abandoned properties through the application of a supplemental tax on the property. Chapter 276 gives responsible parties 30 days from the date a permit is issued to correct identified property defects before the municipality will take corrective action if a permit is necessary. The definition of "responsible parties" is limited to record owners. Lenders are required to notify municipalities of the initiation of a foreclosure proceeding and to provide an in-state representative to respond to municipal inquiries.

### **LD 1214    An Act To Implement the Recommendations of the Mental Health Working Group**

**CARRIED OVER**

Sponsor(s)

Committee Report

Amendments Adopted

This bill contains the recommendations of the Mental Health Working Group pursuant to Resolve 2013, chapter 106.

Part A is almost identical to LD 1145 and amends Maine's involuntary hospitalization statutes by:

1. Creating exceptions to the 24-hour hospital emergency hold period to authorize a hospital to detain on an involuntary basis a mentally ill person meeting criteria for emergency psychiatric hospitalization for up to two additional 48-hour periods;
2. Codifying Maine's common law emergency exception to informed consent to authorize a medical practitioner to administer involuntary treatment to a patient being involuntarily held or detained if the patient's condition poses a serious, imminent risk of harm to the patient or others and other conditions are met;
3. Limiting to reasonable costs the State's costs related to transporting certain patients;
4. Allowing for the release or discharge of an involuntary patient if the patient subsequently agrees to voluntary commitment;
5. Clarifying that orders of involuntary commitment and involuntary treatment transfer with a patient who is transferred to a different hospital; and
6. Permitting medical examinations and consultations required or permitted under the State's involuntary hospitalization statutes to be conducted using telemedicine technologies.

Part B expands the duties of the State Forensic Service within the Department of Health and Human Services to include performing the duties of an independent examiner at the direction of the District Court in response to applications for involuntary commitment and involuntary treatment.

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