

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH 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

127TH 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 127th 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 & 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&S XXX</i>	<i>chapter # of enacted private & 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 127th 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

Chapter 274 clarifies that a person is prohibited from advertising for the purpose of finding a person to take into permanent custody a particular child; current law provides that a person is prohibited from advertising for the purpose of finding a person to adopt a child. It imposes a maximum penalty of \$5,000 for a violation.

LD 1381 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 329
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-495

This bill corrects errors and inconsistencies in the laws of Maine pursuant to the Maine Revised Statutes, Title 1, section 94 and Joint Rule 311.

Committee Amendment "A" (H-495)

This amendment amends the bill to designate the contents of the bill as Part A. The amendment revises a provision in the bill to correct the list of categories of meat and poultry processors that may register with the Department of Agriculture, Conservation and Forestry to engage in intrastate commerce to make it clear that the categories are alternatives.

This amendment revises the labeling requirements included in the bill to carry out the intent of Public Law 2013, chapter 304 to allow mobile poultry processing unit operators to sell uninspected poultry products at a farmers' market, to a locally owned grocery store or to a locally owned restaurant only if specific labeling requirements are met.

This amendment adds Part B to include corrections that may be considered substantive changes. Part B:

1. Corrects a conflict created when Public Law 2011, chapter 298 amended Title 17-A, section 1057, subsection 3 and Public Law 2011, chapter 394 repealed Title 17-A, section 1057, subsection 3. This amendment corrects the conflict by repealing the subsection and replacing it with the chapter 298 version. This correction is supported by the Joint Standing Committee on Criminal Justice and Public Safety;
2. Corrects a conflict created by Public Law 1981, chapters 150 and 175, which enacted the same provision of law with a minor difference. Chapter 150 used the phrase "evidence of individual insurability" where chapter 175 used the phrase "evidence of insurability." This amendment corrects the conflict by repealing the provision and replacing it with the chapter 150 version;
3. Corrects an error by adding a cross-reference that was inadvertently omitted. This correction is supported by the Joint Standing Committee on Insurance and Financial Services; and
4. Corrects a conflict created when Public Law 2013, chapter 451 amended Public Law 2013, chapter 368, Part S, section 9 and Public Law 2013, chapter 595 repealed the same provision by repealing Public Law 2013, chapter 368, Part S, section 9.

This amendment adds Part C to amend Title 10, section 1174, subsection 3 to correct the erroneous inclusion of Title 10, section 1174, subsection 3, paragraph W in the committee amendment LD 1482 in the 126th Legislature. It provides that the changes apply retroactively to the effective date of Public Law 2013, chapter 534, which enacted Title 10, section 1174, subsection 3, paragraph W. These changes are substantive and supported by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

This amendment adds Part D to correct technical conflicts between two bills related to alcoholic beverage tastings conducted by retailers and the role of sales representatives in those events. Public Law 2015, chapters 129 and 184

Joint Standing Committee on Judiciary

amended the same sections of Title 28-A in different ways. Chapter 129 was enacted as an emergency, but chapter 184 was not, therefore this amendment provides that Part D takes effect 90 days after the adjournment of the First Regular Session of the 127th Legislature to be consistent with chapter 184's effective date.

This amendment adds Part E to correct a clerical error in the Maine Energy Cost Reduction Act concerning energy cost reduction contracts, enacted by Public Law 2013, chapter 369, by twice replacing the word "contact" with "contract." This is a technical correction.

Enacted Law Summary

Public Law 2015, chapter 329 corrects both technical and substantive errors and inconsistencies in the laws of Maine.

Public Law 2015, chapter 329 was enacted as an emergency measure effective July 12, 2015, except as otherwise provided.

LD 1391 An Act Regarding the Treatment of Forensic Patients

**PUBLIC 325
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY KATZ	OTP-AM	H-479 H-487 SANDERSON

This bill allows the Commissioner of Health and Human Services to administer medication to a defendant who has been found incompetent to proceed without the defendant's consent if a court finds that certain standards have been met. It allows the commissioner to authorize a hospital to administer medication to a defendant who has been found incompetent to proceed or to a person who has been committed to the custody of the commissioner following acceptance of a negotiated insanity plea or following a verdict or finding of insanity without that defendant's or person's consent if certain standards are met, subject to appeal to the court.

Committee Amendment "A" (H-479)

This amendment changes the references to "antipsychotic" medication to "psychiatric" medication to more accurately describe the type of medication that may be administered.

The amendment changes the terminology from competency "to stand trial" to competency "to proceed" to be consistent throughout the bill.

The amendment revises the definition of "Commissioner of Health and Human Services" to include the commissioner's designee.

The amendment deletes the definition of "gravely disabled" and replaces it with the standard that the patient poses a substantial risk of harm to self or others or there is a reasonable certainty that the patient will suffer severe physical or mental harm as manifested by recent behavior demonstrating an inability to avoid risk or to protect the patient adequately from impairment or injury if not medicated.

The amendment revises the factors that the commissioner must consider in order to continue the extension of the order allowing treatment without the patient's consent. The commissioner must find by clear and convincing evidence that:

1. The patient has a mental illness or disorder;
2. As a result of that illness or disorder the patient poses a substantial risk of harm to self or others or there is a