

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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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.

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2. Law enforcement officers be given full access to hospitals and mental health facilities in order to serve defendants with protection from abuse orders; and

3. A hospital, mental health facility or other person who in good faith makes a report, provides information or cooperates in an investigation in accordance with the Maine Revised Statutes, Title 34-B, section 1207, subsection 10 is immune from civil or criminal liability or professional licensure action arising out of that action or actions.

Committee Amendment "A" (H-409)

This amendment replaces the bill. It authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under specific circumstances. The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

Enacted Law Summary

Public Law 2015, chapter 218 authorizes a hospital to disclose otherwise confidential health information of a patient without the consent of the patient under the following specific circumstances:

1. To assist law enforcement agency in serving a protection from abuse order to a person who is a patient in the hospital; or
2. To notify a law enforcement agency that brought a patient to the hospital that the patient is leaving the hospital so that the agency may arrest the patient.

The hospital may provide this information only if the request from law enforcement is consistent with the federal Health Insurance Portability and Accountability Act of 1996 privacy regulations, 45 Code of Federal Regulations, Section 164.512 (2015) and the federal privacy regulations for drug and alcohol abuse patients, 42 Code of Federal Regulations, Part 2 (2015).

The hospital is immune from civil or criminal liability or professional licensure action arising out of the hospital's compliance with this law. No cause of action against the hospital is created for failure to provide the access or information.

LD 1438

An Act To Include Muzzle-loading Firearms, Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders

PUBLIC 217

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HEAD	OTP-AM	H-424

Current law authorizes the court to prohibit a defendant who is subject to a protection from abuse order from possessing a firearm or other dangerous weapon during the duration of the order. This bill amends that law to specifically include bows and crossbows as weapons that the court may prohibit a defendant from possessing during the duration of a protection from abuse order.

Committee Amendment "A" (H-424)

This amendment includes the specific mention of muzzle-loading firearms as a type of dangerous weapon the possession of which may be prohibited by a protection from abuse order.

Enacted Law Summary

Public Law 2015, chapter 217 authorizes the court to prohibit a defendant who is subject to a protection from abuse

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order from possessing muzzle-loading firearms, bows and crossbows during the duration of the order.

**LD 1455 An Act To Make a Technical Correction to a Recently Enacted Law
Regarding the Appointment of District Court Judges**

**PUBLIC 377
EMERGENCY**

Sponsor(s)

BURNS

Committee Report

Amendments Adopted

This bill corrects the statutory count of District Court judges to match the number funded in Public Law 2015, chapter 267.

This bill was not referred to a committee.

Enacted Law Summary

Public Law 2015, chapter 377 corrects the statutory count of District Court judges, from 36 to 38, to match the number funded in Public Law 2015, chapter 267.

Public Law 2015, chapter 377 was enacted as an emergency measure effective July 17, 2015.