

MAINE STATE LEGISLATURE

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STATE OF MAINE
127TH LEGISLATURE
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

May 2016

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STATE OF MAINE

127TH LEGISLATURE

SECOND 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 Second 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.

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 127th Legislature is July 29, 2016. 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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securities from time to time in an aggregate amount not to exceed \$95,600,000. The funds must be used for the acquisition, construction, equipping, capital repairs and improvements to new and existing facilities and judicial projects in the counties of Oxford, Waldo and York and planning for other court facilities, in order to increase court efficiency, reduce operating expenses and improve public service and safety.

This amendment also establishes the York County Courthouse Site Selection Commission to choose a site for the new York County Courthouse. The Judicial Branch is authorized to build the courthouse in the municipality selected by the commission.

Enacted Law Summary

Public Law 2015, chapter 468 authorizes the Maine Governmental Facilities Authority to issue additional securities from time to time in an aggregate amount not to exceed \$95,600,000. The funds must be used for the acquisition, construction, equipping, capital repairs and improvements to new and existing facilities and judicial projects in the counties of Oxford, Waldo and York and planning for other court facilities, in order to increase court efficiency, reduce operating expenses and improve public service and safety.

Public Law 2015, chapter 468 also establishes the York County Courthouse Site Selection Commission to choose a site for the new York County Courthouse. The Judicial Branch is authorized to build the courthouse in the municipality selected by the commission.

LD 1531 An Act To Protect Victims of Human Trafficking

PUBLIC 443

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VOLK A HOBBINS B	OTP-AM	S-457

This bill provides that victims of aggravated sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

Committee Amendment "A" (S-457)

This amendment replaces the bill but continues to provide that victims of aggravated sex trafficking and sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

This amendment replaces the bill to capture all provisions of the protection from harassment and protection from abuse laws to include protections for victims of both aggravated sex trafficking and sex trafficking.

It amends the Maine Criminal Code to provide that sex trafficking is a crime for which probation may be included as part of a sentence.

Enacted Law Summary

Public Law 2015, chapter 443 provides that victims of aggravated sex trafficking and sex trafficking are eligible to file for protection from abuse orders and protection from harassment orders.

Public Law 2015, chapter 443 captures all provisions of the protection from harassment and protection from abuse laws to include protections for victims of both aggravated sex trafficking and sex trafficking.

It amends the definition of "harassment" to include a single act or course of conduct that includes a violation of the Maine Revised Statutes, Title 17-A, section 852, aggravated sex trafficking, or section 853, sex trafficking. The definition is important because it determines who can request a protection from harassment order.

Joint Standing Committee on Judiciary

It amends the protection from harassment laws to include as prohibited conduct that an interim protection from harassment order issued ex parte may prohibit a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document that is in the defendant's possession. It amends the protection from harassment laws to include as prohibited conduct that, after the opportunity for a hearing, a final protection from harassment order may prohibit a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document that is in the defendant's possession.

It provides that violation of the final protection order provision prohibiting a defendant's destroying, transferring or tampering with a plaintiff's passport or other immigration document is treated as a violation of a court order, which may be pursued as contempt.

Public Law 2015, chapter 443 amends the Maine Criminal Code to provide that sex trafficking is a crime for which probation may be included as part of a sentence.

Public Law 2015, chapter 443 amends the protection from abuse laws to amend the definition of "abuse" to include the actions of engaging in aggravated sex trafficking and sex trafficking. It amends the protection from abuse laws to clarify that a victim of aggravated sex trafficking or sex trafficking may file a complaint seeking a protection from abuse order. It amends the protection from abuse laws governing the type of relief that may be included in an interim protection from abuse order to cover a defendant's destroying, transferring or tampering with the plaintiff's passport or other immigration document. It amends the protection from abuse laws to provide that, with regard to conduct described as aggravated sex trafficking or sex trafficking, the court may order the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship. It also provides that a defendant who violates this provision may be punished for contempt.

LD 1532 An Act To Clarify Financial Responsibility in Gestational Carrier Agreements

**PUBLIC 456
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	OTP-AM	S-427

Under the Maine Parentage Act, immediately upon the birth of a child that is the result of a gestational carrier agreement, all parental rights and responsibilities vest exclusively in the intended parent or parents.

This bill specifies that medical costs of the gestational carrier and the child, including the costs related to assisted reproduction and the pregnancy, including labor and delivery, and postpartum pregnancy-related medical care for 60 days following the birth, are jointly and severally the responsibility of the gestational carrier and each intended parent. The bill prohibits the waiver of this responsibility and specifies that a breach of the gestational carrier agreement does not change the status of the responsibility. Finally, this bill specifies that these provisions are not intended to relieve insurance carriers of their obligation to provide coverage for their insureds.

Committee Amendment "A" (S-427)

This amendment provides that the intended parent or parents are liable for the health care costs of a gestational carrier that are not paid by the gestational carrier's health insurance. "Health care costs" is defined to mean the expenses of all health care provided for assisted reproduction, prenatal care, labor and delivery.

This amendment requires the gestational carrier agreement to provide how the health care costs of the gestational carrier are to be paid. It specifically provides that the agreement is not intended to alter any available health insurance coverage.

This amendment adds an emergency preamble and emergency clause so that the legislation takes effect on July 1,