

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.

Joint Standing Committee on Judiciary

2016, the date the Maine Parentage Act goes into effect.

Enacted Law Summary

Public Law 2015, chapter 456 provides that the intended parent or parents under a gestational agreement 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.

The gestational carrier agreement must provide how the health care costs of the gestational carrier are to be paid. Public Law 201, chapter 456 specifically provides that the agreement is not intended to alter any available health insurance coverage.

Public Law 2015, chapter 456 was enacted as an emergency measure effective July 1, 2016, the date the Maine Parentage Act goes into effect.

LD 1562 An Act To Make Technical Changes to the Laws Governing Child Support **Veto Sustained**

Sponsor(s)

BURNS D
HOBBINS B

Committee Report

OTP-AM

Amendments Adopted

S-395

This bill amends the laws governing child support guidelines to conform to the Maine Parentage Act and to changes made by the Department of Health and Human Services by rule that eliminate the age categories in the child support table.

Committee Amendment "A" (S-395)

This amendment adds an appropriations and allocations section.

LD 1563 An Act To Enact the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act **Died On Adjournment**

Sponsor(s)

THIBODEAU M
GUERIN S

Committee Report

Amendments Adopted

This bill enacts the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act approved by the National Conference of Commissioners on Uniform State Laws in 2002. The purposes of the bill and section-by-section descriptions are included in the Comments provided by the National Conference of Commissioners on Uniform State Laws. The Uniform Act is intended to be consistent with the federal Violence Against Women Act as reauthorized in 2013 in Public Law 113-4. The full faith and credit provisions are codified in 18 United States Code, Section 2265.

The Uniform Act provides an optional registration process for domestic violence protection orders, known as "protection from abuse orders" in Maine, issued by a tribunal in another state. A protection order from another state may be registered in Maine by presenting a certified copy of the order to the office of the clerk of any District Court or of any Superior Court of this State.

The Maine Uniform Enforcement of Foreign Judgments Act, which currently applies to foreign protection orders, is amended to clarify that the new Uniform Interstate Enforcement of Domestic Violence Protection Orders Act may

Joint Standing Committee on Judiciary

also be used to enforce foreign protection orders.

LD 1563 was received by the Secretary of the Senate pursuant to Joint Rule 309 without a committee report.

LD 1565 *An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners* Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BURNS D	OTP-AM	S-443
HOBBINS B	OTP-AM	

This bill increases the maximum fee allowed to be paid to a nonsalaried medical examiner or a nonsalaried medicolegal death investigator for an inspection and view from \$85 to \$100.

It increases the fees charged by the Department of the Attorney General, Office of Chief Medical Examiner for providing report documents and histological slides. It also increases the fee charged by a medical examiner for a certificate that is required for cremation and allows this fee to be waived at the discretion of the Chief Medical Examiner.

Committee Amendment "A" (S-443)

This amendment is the majority report of the Joint Standing Committee on Judiciary. It adds an appropriations and allocations section to the bill.

Committee Amendment "B" (S-444)

This amendment is the minority report of the Joint Standing Committee on Judiciary. It removes the proposed fee increase for cremation approvals, but retains the proposed discretion to waive the fee. It also adds an appropriations and allocations section to the bill.

This amendment was not adopted.

LD 1586 *An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation in Public Proceedings* Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	
	OTP-AM	

This bill is based on the recommendations of the Right to Know Advisory Committee.

Part A of this bill allows members of a body subject to the Freedom of Access Act to participate in meetings of the body through telephonic, video, electronic or other similar means of communication under certain conditions; however, the bill does not allow members of publicly elected bodies to participate in public proceedings unless physically present. The body must have adopted a written policy authorizing remote participation with criteria that must be met before a member may participate remotely, but the policy may not allow a member to participate remotely in an executive session of the body. The bill also requires that notice of the proceeding must be given as if no members were participating remotely, each member of the body must be able to hear and speak to all other members, members of the public must be able to hear all members of the body, each member participating remotely must identify anyone else present at the location from which the member is participating, documents or materials discussed or presented at the proceeding must have been received by or transmitted to members participating remotely and all votes must be taken by roll call vote. A member who is not physically present may not vote in a