

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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quasi-judicial proceeding of the body. A quorum of the body must be physically present unless an emergency has been declared and the proceeding is necessary to address the emergency. If the body conducts proceedings with members participating remotely, the body must also hold at least one proceeding annually where no members participate remotely.

Under current law, the following state agencies are authorized to use remote-access technology to conduct meetings: the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Emergency Medical Services' Board and the Workers' Compensation Board. Part B provides a specific exemption from the new requirements for the Emergency Medical Services' Board and the Workers' Compensation Board and does not affect the existing authority of those agencies or the Finance Authority of Maine or the Commission on Governmental Ethics and Election Practices to use remote-access technology to conduct meetings.

Committee Amendment "A" (H-660)

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment replaces the bill and provides that any body subject to the Freedom of Access Act may conduct a public proceeding in which one or more members participate remotely through telephonic, video, electronic or other similar means of communication, but only if the body first adopts a written policy that governs the remote participation and that explicitly describes how the policy meets the principles of the Freedom of Access Act. The policy must address under what circumstances a member may participate remotely, whether the body may conduct an executive session when a member is participating remotely, whether a quorum must physically assemble, the proceedings in which a member participating remotely may vote and how the body will ensure that members of the public in attendance at the site of the proceeding included in the notice can hear or see and hear the members who are participating remotely.

A body that adopts a remote participation policy must make the policy available on the body's publicly accessible website and must post a copy at the location of each meeting during which one or more members participate remotely.

A body that adopts a remote participation policy must send a copy of the policy to the Public Access Ombudsman, who will make all the policies received available to the public and submit them annually to the Right To Know Advisory Committee.

This amendment was not adopted.

LD 1601

An Act To Implement the Recommendations of the Task Force To Ensure Integrity in the Use of Service Animals

PUBLIC 457

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-590

This bill was reported by the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2015, chapter 36, section 3 and then referred to the Judiciary Committee for processing in the normal course.

This bill implements the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

The bill creates a definition for "assistance animal," which distinguishes assistance animals from service animals, and amends the definition of "service animal" to achieve this distinction. It amends the provisions in the Maine Human Rights Act related to fair housing and public accommodations to provide clarity regarding

Joint Standing Committee on Judiciary

their application to service animals compared to assistance animals. It also amends provisions in the Maine Revised Statutes, Title 7 to align with the new definitions. Finally, it increases the penalty for misrepresentation as a service dog or assistance animal.

Committee Amendment "A" (H-590)

This amendment clarifies the terminology in the language of the bill defining the civil violation of misrepresentation to align it with the new definition of "assistance animal" and the updated definition of "service animal" in the Maine Human Rights Act. The amendment makes clear that representing as a service animal an animal that does not meet the definition of "service animal," whether it is a dog or any other species of animal, is a civil violation.

This amendment provides that the maximum fine of \$1,000 proposed in the bill applies to each occurrence of misrepresentation. A person who knowingly provides documents falsely stating that an animal is a service animal or assistance animal can be fined for each time the person provides the documents.

These changes are consistent with the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

Enacted Law Summary

Public Law 2015, chapter 457 amends the Maine Human Rights Act to create a definition for "assistance animal," which distinguishes assistance animals from service animals, and amends the definition of "service animal" to achieve this distinction. It amends the provisions in the Maine Human Rights Act related to fair housing and public accommodations to provide clarity regarding their application to service animals compared to assistance animals. It also amends provisions in the Maine Revised Statutes, Title 7 to align with the new definitions. It increases the penalty for misrepresentation as a service dog or assistance animal.

Public Law 2015, chapter 457 clarifies that representing as a service animal an animal that does not meet the definition of "service animal," whether it is a dog or any other species of animal, is a civil violation. The maximum fine of \$1,000 applies to each occurrence of misrepresentation. A person who knowingly provides documents falsely stating that an animal is a service animal or assistance animal can be fined for each time the person provides the documents.

These changes are consistent with the recommendations of the task force to ensure integrity in the use of service animals established pursuant to Resolve 2015, chapter 36.

LD 1605 An Act To Extend the Time for Commencing an Action Relating to Death Caused by Homicide

PUBLIC 451

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VALENTINO L WARD K	OTP	

This bill expands the time period within which a wrongful death action may be brought in a case of a death caused by a homicide. The bill also provides that the expansion of the time period applies to wrongful death actions that have not been barred by the statute of limitations in force immediately prior to the effective date of this legislation.

Enacted Law Summary

Public Law 2015, chapter 451 expands the time period within which a wrongful death action may be brought in a case of a death caused by a homicide to six years from the date the personal representative of the decedent discovers that there is a just cause of action against the person who caused the homicide. The expansion of the time period applies to wrongful death actions that have not been barred by the statute of limitations in force immediately prior to the effective date of this legislation.