

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
127<sup>TH</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

May 2016

**STAFF:**

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST  
HENRY D. FOUTS, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla>

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# STATE OF MAINE

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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 Second Regular Session of the 127<sup>th</sup> 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 127<sup>th</sup> 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*

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.