

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

intentional creation or reinforcement of a false impression of being a veteran or a member of the Armed Forces of the United States or a state military force. It also specifies that any fine imposed on such a person must be deposited in the Maine Military Family Relief Fund.

LD 1643 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 494
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-672

This bill corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-672)

This amendment amends the bill to designate the contents of the bill as Part A. It makes technical corrections to the bill, makes several language changes to more accurately clarify corrections and adds retroactive application sections to two sections included in the printed bill. The amendment also adds additional corrections, some of which are substantive.

Enacted Law Summary

Public Law 2015, chapter 494 makes several technical and substantive corrections to the laws of Maine.

Part A consists of technical corrections included in the original bill, and Part B includes additional technical corrections.

Part C amends several laws to provide for notification to the appropriate authorities when contingencies occur that affect the effective date or repeal of specific laws.

Part D contains changes that are or may be considered substantive. Part D makes the following changes:

1. Corrects a clerical error that used the term "key employee" when the appropriate term is "key executive" with regard to a person applying for a license from the Gambling Control Board;
2. Corrects a conflict created by Public Law 2015, chapters 90, 127, 136, 245, 281 and 301, which affected the same subsection of law governing hunting licenses, combination licenses and fees, by incorporating the changes made by all six laws and corrects an inconsistency created by Public Law 2015, chapter 127, which removed the prohibition against hunting turkey by holders of small game licenses but not against holders of nonresident small game apprenticeship hunter licenses and nonresident three-day small game hunting licenses;
3. Corrects an inconsistency concerning the specific laws governing disqualifying offenses for an unlicensed assistive person who provides direct access services. The Maine Revised Statutes, Title 22, section 1812-J, subsection 7 provides that an employment ban based on a disqualifying offense for an unlicensed assistive person to provide direct access services is a lifetime ban. Title 22, section 9054 provides a process for an unlicensed assistive person who is banned from employment because of a disqualifying offense to request a waiver. Section D-3 corrects this inconsistency by removing the language in Title 22, section 1812-J, subsection 7 that states that an employment ban based on a disqualifying offense is a lifetime employment ban;
4. Removes youth camps from a list of facilities exempted from the laws requiring licensure because youth camps are required to be licensed as youth camps, although they are not required to be licensed as lodging places. It also corrects a clerical error;

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5. Changes the laws of the Department of Health and Human Services regarding elder and adult services to remove references to the Director of the Bureau of Elder and Adult Services, a defunct position, and replaces them with references to the Commissioner of Health and Human Services;

6. Re-enacts language concerning Class A restaurant and off-premise retail licensee on same premises which was repealed by its own terms before the enactment of the law to eliminate the repeal took effect. Public Law 2015, chapter 162 amended Title 28-A, section 10, subsection 2-A to remove language repealing subsection 2-A on September 30, 2015. Public Law 2015, chapter 162 did not take effect until October 15, 2015, after the repeal took effect. Section D-9 enacts Title 28-A, section 10, subsection 2-B to reflect the intent of the Legislature to maintain the provisions of Title 28-A, section 10, subsection 2-A. Section D-10 makes that enactment apply retroactively to September 30, 2015; and

8. Corrects clerical errors in Public Law 2015, chapter 267, Part OOOO, section 7 concerning the application date of sales tax exemptions. This was included as Section 51 of the bill. Section D-12 makes the corrections apply retroactively to June 30, 2015, the effective date of Public Law 2015, chapter 267.

Public Law 2015, chapter 494 was enacted as an emergency measure effective April 27, 2016.

LD 1654 An Act To Strengthen Protection from Abuse Laws

ONTP

Sponsor(s)
HEAD F

Committee Report
ONTP

Amendments Adopted

This bill requires a court to sentence a person convicted of violating a protective order or court-approved consent agreement, currently a Class D crime, to a minimum term of imprisonment of 30 days. Subsequent convictions of violating a protective order or court-approved consent agreement are subject to enhanced minimum sentences.

This bill also requires a court to sentence a person convicted of violating a protective order through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the plaintiff named in the protective order or who assaults the plaintiff named in the protective order, currently a Class C crime, to a minimum term of imprisonment of two years; subsequent convictions are subject to enhanced minimum sentences.

This bill also creates the Class C crime of false claim, which occurs when a person during a proceeding for a protection from abuse petition makes a false claim of abuse or neglect or abandonment of a child or alleges sexual exploitation of a minor, sex trafficking, aggravated sex trafficking or patronizing prostitution of a minor or person with a mental disability and that claim or allegation is made for the purpose of gaining an advantage in a divorce proceeding.

**LD 1689 An Act To Protect Children in the State from Possible Sexual, Physical
and Emotional Abuse by Persons Who Have Been Convicted of Crimes**

**PUBLIC 497
EMERGENCY**

Sponsor(s)
MAKER J
DIAMOND G

Committee Report
OTP-AM

Amendments Adopted
H-671

This bill requires that, beginning September 1, 2016, child care facilities licensed by the Department of Health and Human Services and family child care providers certified by the department submit fingerprints for criminal background checks for care providers and staff.

Committee Amendment "A" (H-671)