

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
128<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2017

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# STATE OF MAINE

128<sup>TH</sup> LEGISLATURE  
FIRST 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 First Regular Session of the 128<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 FINAL 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 128<sup>th</sup> Legislature is Wednesday, November 1, 2017. 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*

**LD 147      An Act To Amend the Maine Parentage Act**

**Accepted Majority  
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PICCHIOTTI J	ONTP OTP	

This bill prohibits a court from ordering payment of child support from a de facto parent to another parent of the child if the de facto parent obtained that status due to the unwillingness or inability of the other parent to provide care for the child.

**LD 170      An Act To Allow and Recognize a Legal Name Change upon Marriage**

**CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHENETTE J	OTP-AM	H-274

This bill allows a person who is getting married to change that person's name by indicating the new name on the application for recording notice of intent to marry, which becomes effective upon the completion of the marriage license.

**Committee Amendment "A" (H-274)**

This amendment provides funds to the Department of Health and Human Services for technology updates made necessary by the bill.

This bill was reported out of committee and then carried over on the Special Appropriations Table to the next special or regular session of the 128th Legislature by joint order, S.P. 601.

**LD 193      An Act To Protect Retirement Accounts from Creditor Collection**

**PUBLIC 177**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CHACE P	OTP-AM	H-275

This bill removes the cap on the amount exempted from attachment by creditors for an individual retirement account.

**Committee Amendment "A" (H-275)**

This amendment replaces the bill by enacting a separate subsection governing the exemption from attachment of retirement accounts to match the same exemption in the United States Bankruptcy Code. The amendment provides that amounts contributed within the 120 days before either the bankruptcy action is filed or the judgment against the debtor or the issuance of the levy or other attachment is issued are not exempt. Amounts necessary to satisfy child support or spousal support obligations are also not exempt from attachment or bankruptcy.

**Enacted Law Summary**

Public Law 2017, chapter 177 enacts an exemption from attachment of retirement accounts to match the same

**Joint Standing Committee on Judiciary**

exemption in the United States Bankruptcy Code. The new subsection caps the exemption at an aggregate value of \$1,000,000 for individual retirement accounts and other tax-deferred arrangements that are exempt under the United States Bankruptcy Code, 11 United States Code, Section 522(d)(12). Chapter 177 provides that amounts contributed within the 120 days before either the bankruptcy action is filed or the judgment against the debtor or the issuance of the levy or other attachment is issued are not exempt. Amounts necessary to satisfy child support or spousal support obligations are also not exempt from attachment or bankruptcy.

**LD 194      An Act To Ensure Equity in the Awarding of Compensation for Tort Claims** **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P CUSHING A	ONTP OTP	

This bill provides that, if two or more defendants are found to be liable for a plaintiff's injury, then the defendants are jointly and severally liable for the plaintiff's pecuniary damages, but each defendant is only severally liable for nonpecuniary damages proportional to the percentage of fault attributable to that defendant. If the defendants acted in concert, they are jointly and severally liable for the nonpecuniary damages as well.

**LD 195      An Act Amending the So-called "Good Samaritan" Laws** **Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GINZLER P KEIM L	ONTP OTP	

This bill amends the so-called "Good Samaritan" statute, which provides immunity to a person who renders certain assistance to another person for no expectation of monetary or other compensation from the person aided by adding immunity for any person, nonprofit organization or faith-based organization that provides shelter or housing to a homeless person.

**LD 196      An Act To Protect Personal Information of Participants in a Community Well-being Check Program** **PUBLIC 118**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-126

This bill creates a public records exception under the Freedom of Access Act to protect the confidentiality of personal information of participants in community well-being check programs. A community well-being check program, sometimes known as a "Good Morning Program," is a voluntary program that involves daily, or regular, telephone contact with participants and, when telephone contact cannot be made, sends local law enforcement or other designated first responders to check on the well-being of the participant at the participant's residence. The bill makes an exception to the confidentiality provision to allow for the sharing of a participant's personal information, including health information, with local law enforcement or other designated first responders as necessary to administer the program.

**Committee Amendment "A" (H-126)**

This amendment revises the bill to provide that the information may be made available to first responders but only