

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH 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

128TH 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 128th 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 128th 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.

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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

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as necessary to implement the program. It also amends the bill to take out the limitation to telephone contact between the participant and the program, allowing any form of contact that the program uses. It also revises the language to use the broader term of "first responder" to cover the persons who the program sends to check on the participant's well-being and who may receive the personal information about the participant only when necessary to implement the program.

Enacted Law Summary

Public Law 2017, chapter 118 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 is a voluntary program that involves daily, or regular, contact with participants and, when 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. Chapter 118 makes an exception to the confidentiality provision to allow for the sharing of a participant's personal information, including health information, with first responders as necessary to administer the program.

LD 197 RESOLUTION, Proposing an Amendment to the Constitution of Maine CARRIED OVER
To Explicitly Protect against Sex Discrimination

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L VITELLI E	OTP-AM ONTP	H-133

This resolution proposes to amend the Constitution of Maine to prohibit the denial of equal rights based on the sex of an individual.

Committee Amendment "A" (H-133)

This amendment is the majority report. It incorporates a fiscal note.

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

LD 198 An Act To Protect Landlords from Lawsuits for Damage or Harm PUBLIC 61
Caused by Assistance Animals

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ORDWAY L WOODSOME D	OTP-AM	H-74

This bill provides that a landlord is not liable in a civil action for personal injury, death, property damage or other damages caused by an assistance animal on the landlord's rental property.

Committee Amendment "A" (H-74)

This amendment replaces the bill, which amends the Maine Human Rights Act, and instead amends the law governing rental property.

The amendment provides that a landlord is not liable in a civil action for personal injury, death, property damage or other damages caused by an assistance animal on the landlord's property. "Dwelling unit" is currently defined in the Maine Revised Statutes, Title 14, section 6021, subsection 1 to include mobile homes, apartments, buildings or other structures, including the common areas thereof, which are rented for human habitation.