

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.

Joint Standing Committee on Judiciary

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 To Explicitly Protect against Sex Discrimination	CARRIED OVER
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<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 Caused by Assistance Animals	PUBLIC 61
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<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.

Joint Standing Committee on Judiciary

Title 5, section 4582-A, subsection 3 provides that an individual with a physical or mental disability who uses an assistance animal is liable for any damage done to the premises or facilities by the assistance animal.

Under Title 7, section 3961, the owner or keeper of an animal is liable in a civil action to a person who is injured or whose property is damaged for the amount of damage done if the damage was not occasioned through the fault of the person injured.

Enacted Law Summary

Public Law 2017, chapter 61 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.

LD 218 An Act To Reduce Criminal Justice System Costs by Allowing Arraignments and Hearings in the Unified Criminal Docket To Be Held by Means of Audiovisual Telecommunications ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRAKEY E	ONTP	

This bill provides that in any criminal action in the Unified Criminal Docket, as determined by the court to be appropriate to the defendant and to make sound fiscal sense, an arraignment or hearing may be held by means of audiovisual telecommunications. The bill provides that when an arraignment or hearing is held by means of audiovisual telecommunications, the court is required to ensure that a recording of the arraignment or hearing is made and retained as part of the case file.

LD 224 An Act Regarding Actions for Failure To Follow Condominium Association Requirements ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINS R SHERMAN R	ONTP	

This bill provides that, following reasonable notice and an opportunity to be heard, a condominium association may bring an action against a unit owner or a group of unit owners for violating requirements imposed by association documents and that, following reasonable notice and an opportunity to be heard, a unit owner or a group of unit owners may bring an action against an association for violating requirements imposed by those same documents.

LD 280 An Act To Include Tax-exempt, Nonprofit Regional Transportation Providers under the Maine Tort Claims Act Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R COLLINS R	ONTP OTP-AM	

This bill adds tax-exempt, nonprofit regional public transportation agencies to the Maine Tort Claims Act, which limits liability for governmental entities.

Committee Amendment "A" (H-464)

This amendment, which is the minority report, replaces the bill. The Maine Tort Claims Act currently includes