

# 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  
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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 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 364**

**An Act To Make Technical Changes to the Laws Governing Child Support**

**PUBLIC 30**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	OTP	

This bill amends the laws governing child support guidelines to conform to changes made by the Department of Health and Human Services by rule that eliminate the age categories in the child support table.

**Enacted Law Summary**

Public Law 2017, chapter 30 amends the laws governing child support guidelines to conform to changes made by the Department of Health and Human Services by rule that eliminate the age categories in the child support table.

**LD 365**

**An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding**

**PUBLIC 64**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S	OTP	

Current law requires the court to order a criminal background check of each prospective adoptive parent of a child who is the subject of an adoption petition, except if the petitioner is a biological parent of the child. This bill removes the requirement that the court order a criminal background check of a parent of the child who is not the biological parent.

**Enacted Law Summary**

Public Law 2017, chapter 64 provides that when a parent of a child is a party to the adoption of the child, no criminal background check is required of the parent. Current law requires all parties to the adoption, except the biological parent, to undergo a criminal background check.

**LD 366**

**An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities**

**Accepted Majority (ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L CUSHING A	ONTP OTP-AM	

This bill establishes prohibitions concerning restricting the sharing and use of immigration and citizenship information. It prohibits restricting the enforcement of federal immigration law. It authorizes law enforcement agencies to transport aliens who are unlawfully present in the United States to a federal facility. It establishes a complaint process, a private right of action and a duty to report.

**Committee Amendment "A" (H-289)**

This amendment is the minority report of the committee. It deletes the provisions of the bill authorizing law enforcement agencies to transport aliens who are unlawfully present in the United States to a federal facility and creating private rights of action. It removes from the complaint process the provision that a government entity is ineligible to receive state funds if the Attorney General determines the entity is in violation of the provisions