

# 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*

This amendment is the majority report. The bill addresses confidentiality of disciplinary actions appealed to arbitration affecting state employees. The amendment extends the same confidentiality to county and municipal employees. Disciplinary actions concerning state, county and municipal employees remain confidential if an action is appealed to arbitration until the arbitration decision is final and released.

This amendment was not adopted.

**LD 1239**

### **An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act**

**Died Between Houses**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| TUELL W<br>KATZ R | OTP-AM<br>ONTP          |                           |

This bill implements several recommendations of a review panel created by the Governor to review operations of the Maine Human Rights Commission.

Under the bill, if both parties are in agreement, the commission is authorized to make binding determinations pertaining to violations of the Maine Human Rights Act. The commission is authorized to order remedies that the court is currently authorized to impose. Final decisions of the commission are appealable under the Maine Administrative Procedure Act as final agency actions.

The bill provides for the commission to suspend an investigation if a complainant files an affidavit with the commission stating that the complainant will seek a right-to-sue letter when permitted under law. Current law allows a complainant to ask for a right-to-sue letter, bypassing the commission findings, after 180 days have elapsed since the complaint was filed. Because the commission will suspend the investigation once the affidavit stating that the complainant will seek a right-to-sue letter is filed, the complainant may not withdraw the affidavit.

The bill provides for the commission to issue a right-to-sue letter to a complainant if 180 days have elapsed since the complaint was filed and the commission has not filed a civil action in the case and has not entered into a conciliation agreement in the case.

The bill authorizes the commission to impose sanctions and seek penalties for perjury, false swearing, making a false statement, providing false information or violating the nondisclosure requirements. Sanctions may include the imposition of adverse inference, liability or other remedies.

The bill authorizes the commission to establish by rule procedures to discourage abuse of the complaint and investigation process. These procedures may include, but are not limited to, refusing to accept more than five complaints from the same complainant in a 12-month period and other requirements designed to eliminate the filing of frivolous complaints.

The bill provides funding for two new paralegal positions and one new consumer outreach position.

The bill directs the commission to purchase a computer system to provide for electronic data management that allows parties and their attorneys to access the status of their cases electronically.

#### **Committee Amendment "A" (H-434)**

This amendment is the majority report. It strikes the bill but retains the provisions providing funding for the two paralegal positions and one consumer outreach position and the requirement that the Maine Human Rights Commission purchase a computer system. It adds a \$10,000 appropriation for the initial step in evaluating the commission's computer system needs.

*Joint Standing Committee on Judiciary*

This amendment was not adopted.

**LD 1240     An Act To Provide Immunity to Medical Professionals Who Provide Free Health Care Services to Uninsured and Underserved Populations of the State**

**Accepted Majority (ONTP) Report**

| <u>Sponsor(s)</u>    | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|----------------------|-------------------------|---------------------------|
| GINZLER P<br>MAKER J | ONTP<br>OTP             |                           |

This bill improves access to medical care for low-income individuals by providing governmental protection to health care practitioners who offer free medical services to underserved populations of the State. It is modeled on Florida law. Health care professionals who contract to provide such services as agents of the State are provided immunity under the Maine Tort Claims Act.

For those health care practitioners with continuing education requirements, each hour of volunteer service provides credit for one hour of continuing education, up to a total of eight continuing education credit hours per calendar year.

This bill applies to adverse incidents occurring on or after January 1, 2018.

**LD 1241     An Act To Encourage Child Support Accountability**

**ONTP**

| <u>Sponsor(s)</u>       | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------------|-------------------------|---------------------------|
| DECHANT J<br>GRATWICK G | ONTP                    |                           |

This bill requires a personal representative to search an electronic registry of child support obligors with outstanding child support debt prior to distributing the assets of an estate to an heir or a devisee. The personal representative shall withhold from an heir's or a devisee's inheritance the amount of any outstanding child support debt and forward that amount to the Department of Health and Human Services.

This bill also directs the Department of Health and Human Services to make recommendations to the joint standing committee of the Legislature having jurisdiction over judiciary matters on the most effective way to create a program that requires an unemployed or underemployed child support obligor who has a substantial unpaid child support debt to engage in at least 30 hours per week of uncompensated community service work, receiving an hourly credit against the obligor's child support debt equivalent to the minimum wage. It authorizes the joint standing committee to submit a bill to implement this program to the Second Regular Session of the 128th Legislature.

**LD 1260     Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System**

**Veto Sustained**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| KATZ R            | OTP-AM                  | S-231<br>S-287 KATZ R     |