

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

This resolve establishes the Commission To Create a Plan for the Establishment of a Probate Court System with Full-time Judges including legislators and interested parties to create a plan describing how a probate system with full-time judges can be created and funded. The Joint Standing Committee on Judiciary has authority to report out a bill regarding the plan to the Second Regular Session of the 128th Legislature.

Committee Amendment "A" (S-231)

This amendment makes the following changes to the resolve.

1. It adds an emergency preamble and emergency clause to the resolve.
2. It changes the title of the resolve and renames the commission the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System. It does not require that the plan be based on full-time judges, although the commission is not prohibited from including full-time judges in its plan.
3. It changes the membership of the commission from 15 members to 13 members and requires the appointing authorities to make every effort to ensure that appointments to the commission represent diversity with regard to geography and population across the State.
4. To provide flexibility to the commission to manage its work, it deletes the requirement that subcommittees include individuals not on the commission.
5. It requires that the commission include in its funding recommendations a plan that ensures the probate judges are provided payment and benefits that fairly compensate them and prohibits them from practicing law during their service as Probate Court Judges.
6. It requires that county officials, in addition to the registers of probate and the Administrative Office of the Courts, provide information and assistance when requested by the commission.

Senate Amendment "A" To Committee Amendment "A" (S-287)

This amendment amends Committee Amendment "A" by striking the emergency preamble and emergency clause, adding a preamble and authorizing the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System to seek private and public funding.

LD 1264 Resolve, Regarding Court Facilities in York County

ONTP

<u>Sponsor(s)</u> WOODSOME D	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This resolve directs the Judicial Department to terminate all construction, contracts, contract negotiations and any other negotiations and any other actions relating to the acquisition, ownership, construction, permitting and operation of the York County Judicial Center and to maintain and continue providing court services in the Superior Court and District Courts in York County. Under the resolve, if the Judicial Department determines that terminating all construction, contracts, contract negotiations and any other negotiations and any other actions relating to the acquisition, ownership, construction, permitting and operation of the York County Judicial Center will result in excessive monetary loss to the State, the construction of the York County Judicial Center may continue, but the Judicial Department must provide office space in the York County Judicial Center to the York County District Attorney's Office, compensate York County for the cost of additional staffing associated with inmate security and ensure that the York County Board of Commissioners' recommendations concerning inmate holding areas are

Joint Standing Committee on Judiciary

considered in the design of the York County Judicial Center.

LD 1267 An Act To Protect Licensing Information of Medical Professionals

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R TUELL W		

This bill provides that information concerning the application for and granting of licenses issued by the State Board of Nursing, the Board of Osteopathic Licensure and the Board of Licensure in Medicine is confidential, except that each board is required to allow inspection of certain information. See also LD 1541.

This bill was carried over to any special or regular session of the 128th Legislature by joint order, H.P. 1138.

**LD 1275 An Act To Amend and Remove the Need for Periodic Update of the
Laws Governing the Validation of Title Defects**

PUBLIC 196

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

This bill amends the laws governing the validation of title defects to specify under what circumstances various defects in deeds and other instruments and subdivision plats do not affect title to real property. The bill removes the need for periodic updating of these laws by specifying the applicable lookback period.

Enacted Law Summary

Public Law 2017, chapter 196 amends the laws governing the validation of title defects to specify under what circumstances various defects in deeds and other instruments and subdivision plats do not affect title to real property. Chapter 196 removes the need for periodic updating of these laws by specifying the applicable lookback period.

**LD 1281 An Act Regarding the Compensation of Assistant Attorneys General and
District Attorneys and the Approval of Financial Orders by the Attorney
General and Secretary of State**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HILL D MOONEN M	ONTP	

This bill eliminates the requirement that compensation set by the Attorney General for assistant attorneys general, staff attorneys, the secretary to the Attorney General, District Attorneys and deputy and assistant district attorneys be approved by the Governor. It also allows the Attorney General and the Secretary of State to approve financial orders for transfers and revisions of and increases to allotments within the budgets of their respective departments.