

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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JANET STOCCO, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

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

LD 1356 An Act To Amend the Grandparents Visitation Act

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN K	ONTP	

This bill amends the Grandparents Visitation Act and other provisions of law concerning grandparents by:

1. Repealing and replacing the current laws governing grandparent standing to petition the court for visitation with and access to a grandchild; under the bill a grandparent seeking visitation must engage in mediation with the parent or parents prior to filing a petition unless mediation is not possible due to the death, incapacity or unavailability of the parent or parents, in which case the grandparent must satisfy one of three specific standing criteria;
2. Including, in the factors related to the best interests of the child that the court must consider when ruling on a grandparent visitation petition, the effect on a grieving child who has lost a parent of being denied visitation with and access to a grandparent and any evidence that a parent or legal guardian of a child is not considering or acting in the best interests of the child;
3. Removing the provision requiring supervision of a grandparent who is a convicted sex offender and has been granted visitation and access to a grandchild; and
4. Removing the provision of the child protective statutes that terminates a grandparent's right to visitation with and access to a grandchild after the grandchild has been adopted.

LD 1406 An Act To Promote Prescription Drug Price Transparency

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E FOLEY R		

This bill amends the law governing profiteering in prescription drugs. The bill requires more disclosure of drug production, research and development costs, marketing and advertising costs and actual costs paid upon purchase. The bill allows investigations by the Attorney General of violations of these provisions. The bill adds a required written report from the Attorney General each year. See also LD 1605.

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

**LD 1432 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Advance Payment of Costs for Public
Records Requests**

PUBLIC 158

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP OTP-AM	

This bill, which is a recommendation of the Right To Know Advisory Committee in response to the decision of the Superior Court in *Flanders v. State, et al.*, BELSC-CV-15-12 (Me. Super. Ct., Waldo Cty., Aug. 12, 2016), is

Joint Standing Committee on Judiciary

intended to clarify that under Maine's Freedom of Access Act, an agency or public official may require payment of all costs before providing a public record to a requester.

Committee Amendment "A" (H-290)

This amendment is the minority report. It allows an agency or official to require payment of all costs before providing the requested public record only if the costs exceed \$20.

This amendment was not adopted.

Enacted Law Summary

Public Law 2017, chapter 158 is intended to clarify that under Maine's Freedom of Access Act, an agency or public official may require payment of all costs before providing a public record to a requester.

LD 1437 An Act To Establish a Youth-in-care Court

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HAMANN S MILLETT R	ONTP	

This bill directs the Chief Justice of the Supreme Judicial Court to establish a youth-in-care court with jurisdiction over child protective and termination of parental rights proceedings as well as adoption and child custody proceedings involving youth in the foster care system as a pilot project within one or more judicial districts of the District Court. The bill further directs the judicial branch to evaluate the effectiveness of the pilot project and to submit a report and recommendations regarding the pilot project to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 15, 2019. The joint standing committee may report out a bill related to the report to the First Regular Session of the 129th Legislature.

LD 1442 An Act To Raise the Debtor's Exemption on Vehicles

PUBLIC 209

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARPENTER M	OTP-AM	S-212

This bill increases the exemption from attachment and execution for a motor vehicle from \$5,000 to \$7,500 and provides a full exemption for a payment or account under an individual retirement plan or account that was rolled over from a plan or account under the United States Internal Revenue Code of 1954, Section 401(k) or 403(b) or from a similar, employment-related retirement or pension plan or account.

Committee Amendment "A" (S-212)

This amendment removes the provision of the bill that establishes an exemption for the rollover of individual retirement or similar accounts and plans and makes technical corrections. See also LD 193.

Enacted Law Summary

Public Law 2017, chapter 209 increases the exemption from attachment and execution for a motor vehicle from \$5,000 to \$7,500.