

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

LD 1541 An Act To Protect Certain Administrative Licensing Files

CARRIED OVER

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| GERRISH K | | |

This bill makes polygraph examiner and professional investigator administrative licensing files confidential by law, except the final written decision of whether a license is issued or denied, or of whether, in response to a complaint, adverse action is taken against a licensee's license, is publicly accessible and records may be disclosed for criminal justice purposes or to a government licensing agency of this State or another state. In the case of the issuance or denial of a license, the final written decision must state the basis for which a license is issued or denied, and, in the case of a complaint against a licensee's license, the final written decision must state the basis for which adverse action was or was not taken against the license. The Private Security Guards Act also is amended to ensure consistency with the changes made to the Polygraph Examiners Act and Professional Investigators Act. See also LD 1267.

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

LD 1605 An Act To Increase Consumer Prescription Drug Protections

Accepted Majority (ONTP) Report

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| VITELLI E | ONTP OTP | |

This bill requires the Maine Health Data Organization to annually identify, upon the request of the Attorney General, prescription drugs on which the State spends significant amounts of money and for which the manufacturer's list price for the drug has increased by 50% or more over the past five years or 15% or more over the past 12 months. The Maine Health Data Organization is required to provide the list to the Attorney General, who must require the manufacturer of the drugs to provide a justification for the increase.

The bill also prohibits manufacturers and wholesale distributors from price gouging in the sale of essential off-patent or generic drugs. It authorizes the Attorney General to obtain data from the Maine Health Data Organization concerning increases in prices of essential off-patent or generic drugs and requires manufacturers of essential off-patent or generic drugs to submit information to the Attorney General upon request of the Attorney General. See also LD 1406.

LD 1607 An Act To Prioritize Family Members as Surrogates for Medical Decisions

Died Between Houses

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|--------------------|-------------------------|---------------------------|
| HAWKE S ROSEN K | ONTP OTP-AM | |

Current law places nonspousal partners above adult children, parents and adult siblings when prioritizing who may act as a surrogate for medical decisions for an incapacitated adult, including the decision to withhold or withdraw

Joint Standing Committee on Judiciary

life-sustaining treatment. This bill gives adult children, parents and adult siblings medical decision-making priority over nonspousal partners.

Committee Amendment "A" (H-465)

This amendment is the minority report. It replaces the bill to give a patient's adult child and parent higher priority than a nonspousal partner to serve as a surrogate decision maker for medical decisions when the patient is unable to make or communicate decisions.

This amendment was not adopted.

LD 1616 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 288
EMERGENCY**

| | | |
|-------------------|-----------------------------------|------------------------------------|
| <u>Sponsor(s)</u> | <u>Committee Report</u> OTP-AM | <u>Amendments Adopted</u> H-556 |
|-------------------|-----------------------------------|------------------------------------|

This bill corrects technical errors and inconsistencies in the laws of Maine.

Committee Amendment "A" (H-556)

This amendment designates the contents of the bill as Part A. Sections of the bill containing errors or conflicts that have been resolved by the enactment of other public laws or that are otherwise not needed are deleted from the bill. Sections of the bill containing errors or conflicts that this amendment further amends are moved to the new Part B.

The amendment adds Part B, which makes technical corrections, and Part C, which makes corrections that are or could be interpreted as being substantive.

Part C of the amendment makes the following changes which are or could be considered to be substantive.

Section C-1 corrects a drafting error made in Public Law 2017, chapter 143 concerning credit unions, and section C-4 provides that the changes are effective 90 days after the Legislature adjourns, which is the effective date of Public Law 2017, chapter 143.

Section C-2 corrects a drafting error in Public Law 2017, chapter 179 concerning contracts involving the Maine Community College System. This section corrects the provision to provide that a contract that contains one or more of the listed prohibited provisions is not void, as the language in chapter 179 states, but that the provisions are void; the rest of the contract is not affected. Section C-4 provides that the changes are effective 90 days after the Legislature adjourns, which is the effective date of Public Law 2017, chapter 179.

Section C-3 amends a statute governing home heating oil delivery drivers to correct a cross-reference to a provision that would otherwise prohibit home heating oil delivery drivers from bleeding a residential home heating oil burner because they lack a license from the Maine Fuel Board. Section 39 of the bill incorrectly addressed this issue.

Enacted Law Summary

Public Law 2017, chapter 288 corrects technical and substantive errors and inconsistencies in the laws of Maine.

Parts A and B make technical corrections; Part C makes corrections that are or could be interpreted as being substantive.