

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

October 2018

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STATE OF MAINE

128TH LEGISLATURE

FIRST SPECIAL, SECOND REGULAR AND SECOND SPECIAL SESSIONS



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contain summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Special, Second Regular and Second Special Sessions 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 dates for non-emergency legislation enacted in the First Special, Second Regular or Second Special Sessions of the 128th Legislature are: Monday, February 5, 2018; Wednesday, August 1, 2018; and Thursday, December 13, 2018, respectively. 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

to explore appropriate methods to identify individuals who pose a significant risk of serious bodily injury or death to themselves or other persons and to intervene to diminish the risk while preserving the civil liberties of such individuals to the extent possible. The commission is required to submit a report by November 7, 2018, that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters. The joint standing committee of the Legislature having jurisdiction over judiciary matters is authorized to introduce legislation to the First Regular Session of the 129th Legislature related to the subject matter of the report. The amendment provides a new title, Resolve, To Establish the Blue Ribbon Commission on Community Safety.

LD 1894 An Act To Correct Errors and Inconsistencies in the Laws of Maine

**PUBLIC 475
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-782 S-494 KEIM L H-809 LUCHINI L

This bill was reported out by the committee during the Second Regular Session and carried over to the next special session by joint order S.P. 748.

This bill makes technical corrections in the laws of Maine.

Committee Amendment "A" (H-782)

This amendment deletes sections 7 to 9, 24, 43, 48 to 54, 75, 76, 81 and 82 from the bill because the sections conflict with newly enacted legislation or legislation that is currently pending. This amendment deletes sections 65 and 73 from the bill and includes them in amended form in Part B. This amendment deletes sections 78 to 80 from the bill, which proposed to delete cross-references to the repealed gasoline tax indexing law. This amendment renumbers two sections of the bill to place them in the correct statutory order.

Part B of the amendment amends the Maine Revised Statutes, Title 32, section 2180, subsection 1 to clarify that the effective date of the Nurse Licensure Compact in this State is the date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. Part B also corrects an additional cross-reference to the tax credit for disability income protection plans in the workplace.

Part C makes the following corrections, which may be considered substantive.

1. Sections 1 and 3 correct cross-references to the Maine Uniform Building and Energy Code.
2. Section 2 corrects a formatting error in the Maine Administrative Procedure Act and makes grammatical changes.
3. Sections 4, 5 and 6 amend the laws governing the condemnation of property for the construction or expansion of school buildings or playgrounds to provide authority to regional school units.
4. Section 7 removes language that the Joint Standing Committee on Health and Human Services intended to remove in the majority committee amendment to L.D. 454 of the First Regular Session of the 128th Legislature, which was enacted by the Legislature.
5. Sections 8, 9 and 10 amend the deadlines for local option petitions, filing written objections to nomination papers or caucus nomination certificates and candidate withdrawals, respectively, to be consistent with a change made in the First Regular Session of the 128th Legislature.

Joint Standing Committee on Judiciary

6. Section 11 corrects a clerical error in the involuntary hospitalization statutes.

7. Section 12 removes the application section of Public Law 2017, chapter 88, which refers to benefits paid to disability retirement benefit recipients, because the sections of the public law referenced do not refer to benefits paid.

8. Section 13 provides a new allocation section for the Commission on Governmental Ethics and Election Practices because of an error in Public Law 2017, chapter 284, Part ZZZZZZ, section 19 that resulted in a negative allocation for fiscal year 2018-19. Section 13 provides an allocation of \$3,976,470 to result in the correct allocation for fiscal year 2018-19.

House Amendment "A" (H-786)

This amendment removes the emergency preamble and emergency clause.

This amendment was not adopted.

Senate Amendment "A" (S-493)

This amendment removes the emergency preamble and emergency clause.

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-494)

This amendment reenacts the Appraisal Management Company Licensing Act, which was repealed by its own terms on March 15, 2018. Public Law 2017, chapter 351 attempted to retain the repealed Act but did not take effect until after the Act had been repealed. This amendment provides that a license issued to an appraisal management company by the Department of Professional and Financial Regulation, Board of Real Estate Appraisers and in effect on March 14, 2018 remains in effect until the date of expiration specified in the license. It requires the board to review and approve or deny an application for an appraisal management company license that was submitted to the board with the required fee on or before March 14, 2018, and that was not finally acted upon before March 15, 2018.

House Amendment "A" To Committee Amendment "A" (H-789)

This amendment replaces the section of the committee amendment allocating funds to the Maine Clean Election Fund. Instead, this amendment requires the State Controller to:

1. Transfer \$3,000,000 from the Maine Clean Election Fund to the General Fund within 10 days of enactment; and
2. Transfer, as required by statute, \$3,000,000 into the Maine Clean Election Fund by January 1, 2019.

The amendment also provides for an allocation of funds in fiscal year 2017-18 to offset an error in Public Law 2017, chapter 284 that resulted in a negative allocation of funds in fiscal year 2018-19.

This amendment was not adopted.

House Amendment "C" To Committee Amendment "A" (H-796)

This amendment requires the State Controller to:

1. Transfer \$1,000,000 from the Maine Clean Election Fund to the General Fund within 10 days of enactment; and
2. Transfer \$1,000,000 into the Maine Clean Election Fund by January 1, 2019.

Joint Standing Committee on Judiciary

This amendment was not adopted.

House Amendment "B" To Committee Amendment "A" (H-795)

This amendment requires the State Controller to:

1. Transfer \$1,500,000 from the Maine Clean Election Fund to the General Fund within 10 days of enactment; and
2. Transfer \$1,500,000 into the Maine Clean Election Fund by January 1, 2019.

This amendment was not adopted.

House Amendment "D" To Committee Amendment "A" (H-809)

This amendment strikes from Committee Amendment "A" the section that corrects the negative allocation from the Clean Election Fund for fiscal year 2018-19.

Enacted Law Summary

Public Law 2017, chapter 475 makes technical and substantive corrections in the laws of Maine.

Part A makes technical corrections.

Part B makes technical corrections. It amends clarifies that the effective date of the Nurse Licensure Compact in this State is the date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. Part B also corrects an additional cross-reference to the tax credit for disability income protection plans in the workplace.

Part C makes the following corrections, which may be considered substantive.

1. Sections 1 and 3 correct cross-references to the Maine Uniform Building and Energy Code.
2. Section 2 corrects a formatting error in the Maine Administrative Procedure Act and makes grammatical changes.
3. Sections 4, 5 and 6 amend the laws governing the condemnation of property for the construction or expansion of school buildings or playgrounds to provide authority to regional school units.
4. Section 7 removes language that the Joint Standing Committee on Health and Human Services intended to remove in the majority committee amendment to L.D. 454 of the First Regular Session of the 128th Legislature, which was enacted by the Legislature.
5. Sections 8, 9 and 10 amend the deadlines for local option petitions, filing written objections to nomination papers or caucus nomination certificates and candidate withdrawals, respectively, to be consistent with a change made in the First Regular Session of the 128th Legislature.
6. Section 11 corrects a clerical error in the involuntary hospitalization statutes.
7. Section 12 removes the application section of Public Law 2017, chapter 88, which refers to benefits paid to disability retirement benefit recipients, because the sections of the public law referenced do not refer to benefits paid.

Part D reenacts the Appraisal Management Company Licensing Act, which was repealed by its own terms on March 15, 2018. Public Law 2017, chapter 351 attempted to retain the repealed Act but did not take effect until after the Act had been repealed. Part D provides that a license issued to an appraisal management company by the Department of Professional and Financial Regulation, Board of Real Estate Appraisers and in effect on March 14,

Joint Standing Committee on Judiciary

2018 remains in effect until the date of expiration specified in the license. It requires the board to review and approve or deny an application for an appraisal management company license that was submitted to the board with the required fee on or before March 14, 2018, and that was not finally acted upon before March 15, 2018.

Chapter 475 was enacted as an emergency measure effective September 12, 2018.

**LD 1897 An Act To Reinstate Certain Other Special Revenue Funds Allocations
for the Maine Commission on Indigent Legal Services**

PUBLIC 395

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill allocates funds from the reimbursement of counsel fees paid by indigent legal services recipients and the payment of conference and training fees by attorneys, which were inadvertently omitted from the biennial budget. The bill was reported by the Joint Standing Committee on Judiciary and not referred back to the Judiciary Committee.

Enacted Law Summary

Public Law 2017, chapter 395 allocates funds from the reimbursement of counsel fees paid by indigent legal services recipients and the payment of conference and training fees by attorneys, which were inadvertently omitted from the biennial budget, Public Law 2017, chapter 284.