

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2019

MEMBERS:

SEN. MICHAEL E. CARPENTER, CHAIR
SEN. SHENNA BELLOWS
SEN. LISA M. KEIM

REP. DONNA BAILEY, CHAIR
REP. CHRISTOPHER BABBIDGE
REP. BARBARA A. CARDONE
REP. LOIS GALGAY RECKITT
REP. RACHEL TALBOT ROSS
REP. THOM HARNETT
REP. DAVID G. HAGGAN
REP. PHILIP CURTIS
REP. JOHN DEVEAU
REP. JEFFREY EVANGELOS

STAFF:

MARGARET J. REINSCH, SENIOR 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

129TH 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 129th 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 129th Legislature is Thursday, September 19, 2019. 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

The amendment clarifies that an adult who has been abused, as defined in the Maine Revised Statutes, Title 19-A, section 4002, subsection 1, can seek a protection from abuse order if the adult has been abused by, in addition to a family or household member or a dating partner as provided in current law, an individual related to the adult by consanguinity or affinity. The amendment provides the same protection for a minor child.

The amendment directs the offices of the court clerks to provide plaintiffs with written contact information for resources from which the plaintiff may receive legal or social service assistance when the contact information for those services has been provided to the Administrative Office of the Courts by the various providers, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services and sexual assault services and any other agency providing reliable and relevant resource contact information.

Enacted Law Summary

Public 2019, chapter 359, clarifies the court's discretion in a protection from harassment action to issue a protection from harassment order even if the notice to stop harassing the plaintiff was not issued to the defendant. Chapter 359 clarifies that an adult who has been abused, can seek a protection from abuse order if the adult has been abused by, in addition to a family or household member or a dating partner as provided in current law, an individual related to the adult by consanguinity or affinity; the same protection applies for a minor child.

Public Law 2019, chapter 359 directs the offices of the court clerks to provide plaintiffs with written contact information for resources from which the plaintiff may receive legal or social service assistance when the contact information for those services has been provided to the Administrative Office of the Courts by the various providers, including the Maine State Bar Association or successor organization, any local or statewide organizations providing domestic violence services and sexual assault services and any other agency providing reliable and relevant resource contact information.

LD 506

An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters

PUBLIC 49

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RYKERSON D	OTP-AM ONTP	H-34

This bill provides civil immunity for architects, contractors, environmental professionals, land surveyors, landscape architects, planners and professional engineers who provide voluntary professional services during or within 90 days of a natural disaster or catastrophe when the services are provided under the applicable license or certification, are related to the natural disaster or catastrophe and are provided at the request of a federal, state or local public official, law enforcement official, public safety official or building inspection official. No immunity is provided for reckless or intentional misconduct.

The bill is based on a similar Massachusetts law.

Committee Amendment "A" (H-34)

This amendment is the majority report of the committee. This amendment clarifies that the immunity applies only when an emergency is declared by the President or the Governor. It also removes from the bill the provision of immunity for the 90 days after the emergency and it makes the language consistent with the Maine Tort Claims Act.

Enacted Law Summary

Public Law 2019, chapter 49, provides civil immunity for architects, contractors, environmental professionals, land

Joint Standing Committee on Judiciary

surveyors, landscape architects, planners and professional engineers who provide voluntary professional services during a natural disaster or catastrophe, when an emergency is declared by the President or the Governor, when the services are provided under the applicable license or certification, are related to the natural disaster or catastrophe and are provided at the request of a federal, state or local public official, law enforcement official, public safety official or building inspection official. No immunity is provided for reckless or intentional misconduct.

LD 531 An Act To Provide Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding CARRIED OVER

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

This bill requires a probate court to appoint an attorney for a person who is not already represented by an attorney when the person is the subject of a petition for adult guardianship, conservatorship or other protective arrangement.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

LD 536 An Act To Direct the Judicial Branch To Establish a Veterans Treatment Court ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B CARSON B	ONTP	

Current law allows the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts. This bill instead requires the Chief Justice to establish a veterans treatment court and allows the Chief Justice to establish additional such courts.

LD 540 An Act Regarding Qualifications for District Attorneys PUBLIC 85

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORRIS J	OTP-AM OTP-AM	H-98

Current law requires that only attorneys who are admitted to the practice of law in the State may be elected or appointed district attorney. This bill adds the requirement that an attorney may not have been suspended from the practice of law in the State or any other jurisdiction during the previous 10 years in order to be elected or appointed district attorney and specifies that disbarment or suspension from the practice of law vacates the office.

Committee Amendment "A" (H-98)

This amendment, which is the majority report, requires a district attorney to be a "member in good standing of the bar of the State," which is consistent with the generally accepted standard of qualification of attorneys for positions. Language from the law governing qualifications for the Attorney General is added to the law governing qualifications for a district attorney to make these provisions consistent. The amendment does not require a waiting period after a suspension.