

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> LEGISLATURE  
FIRST REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

August 2019

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# STATE OF MAINE

129<sup>TH</sup> LEGISLATURE  
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## 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 129<sup>th</sup> 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 129<sup>th</sup> 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

This bill provides that it is unlawful employment discrimination for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition, unless provision of an accommodation would impose an undue hardship on the employer.

### Committee Amendment "A" (H-639)

This amendment, which is the majority report, clarifies the definition of "pregnancy-related condition" to provide that the limitation on the pregnant employee's ability to perform the functions of a job due to pregnancy, childbirth or related medical conditions, including lactation, must be known.

The amendment revises the description of unlawful employment discrimination to apply to an employer's failure to provide a reasonable accommodation after it has been requested. An exception to the reasonable accommodation requirement is based on the employer's demonstration that the accommodation would impose an undue hardship on the operation of the business of the employer.

The amendment provides examples of reasonable accommodations.

### Enacted Law Summary

Public Law 2019, chapter 490, provides that it is unlawful employment discrimination for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition, unless provision of an accommodation would impose an undue hardship on the operation of the business of the employer. The definition of "pregnancy-related condition" provides that the limitation on the pregnant employee's ability to perform the functions of a job due to pregnancy, childbirth or related medical conditions, including lactation, must be known.

Public Law 2019, chapter 490 provides that unlawful employment discrimination applies when an employer fails to provide a reasonable accommodation after it has been requested. Examples of reasonable accommodations are included.

**LD 673**

### An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner

**PUBLIC 87**

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

This bill amends the law governing the Department of the Attorney General, Office of Chief Medical Examiner as follows.

1. It clarifies that, absent certain other circumstances, the fact that a patient dies within 24 hours of admission to a hospital or other health care facility need not be reported to the Office of Chief Medical Examiner.
2. It removes the requirement that deaths due to the consequences of long-term alcohol use be reported to the Office of Chief Medical Examiner.
3. It allows a duly appointed medicolegal death investigator, in addition to a medical examiner, to certify that further examination or judicial inquiry concerning the cause and manner of death of a person is not necessary.

### Enacted Law Summary

Public Law 2019, chapter 87, amends the law governing the Department of the Attorney General, Office of Chief Medical Examiner as follows.

1. It clarifies that, absent certain other circumstances, the fact that a patient dies within 24 hours of admission to a

**Joint Standing Committee on Judiciary**

hospital or other health care facility need not be reported to the Office of Chief Medical Examiner.

2. It removes the requirement that deaths due to the consequences of long-term alcohol use be reported to the Office of Chief Medical Examiner.

3. It allows a duly appointed medicolegal death investigator, in addition to a medical examiner, to certify that further examination or judicial inquiry concerning the cause and manner of death of a person is not necessary.

**LD 680      An Act To Clarify the Intent of the Federal Maine Indian Claims Settlement Act of 1980 To Ensure the Federal Principle of Inherent Tribal Sovereignty      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J CHIPMAN B		

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to clarify the intent of the federal Maine Indian Claims Settlement Act of 1980 to ensure the federal principle of inherent tribal sovereignty.

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

**LD 690      An Act To Amend the Maine Uniform Probate Code Regarding Claims for Personal Injury      ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	ONTP	

This bill amends the Maine Uniform Probate Code to provide that appropriate probate, appointment or testacy proceedings may be commenced in relation to a claim for personal injury made against a decedent by a person without actual notice of the death within 6 years after the cause of action accrues.

This correction is contained in LD 1535, Public Law 2019, chapter 417.

**LD 698      An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch      CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM ONTP	S-312

This bill clarifies that when one or more citizens sue the Governor or any executive branch agency to enforce federal or state law and the citizen or citizens prevail or substantially prevail, the citizen or citizens may petition the court for the State to pay all costs. If the citizen or citizens demonstrate that the agency or Governor knowingly violated the law, the court is required to also award reasonable attorney's fees.

This bill was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Appropriations Table by joint order, H.P. 1322.

**Committee Amendment "A" (S-312)**