

MAINE STATE LEGISLATURE

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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

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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

definition of "grandparent" in the Grandparents Visitation Act to include great-grandparents. It also amends the title of the chapter of the statutes and the short title of the Act to include great-grandparents. This amendment does not affect the standing requirements or the standard for awarding visiting rights.

Enacted Law Summary

Public Law 2019, chapter 197, amends the definition of "grandparent" in the Grandparents Visitation Act to include great-grandparents. It also amends the title of the chapter of the statutes and the short title of the Act to include great-grandparents. Chapter 197 does not affect the standing requirements or the standard for awarding visiting rights.

LD 841 An Act To Amend the Laws Governing Damages Awarded for Wrongful Death PUBLIC 198

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M LAWRENCE M	OTP-AM	H-314

This bill provides that a jury in a case of wrongful death may give damages as it determines a fair and just compensation for the probable duration of life of the deceased person but for the injury. It increases the limit on damages for the loss of comfort, society and companionship and emotional distress from \$500,000 to \$1,000,000 and removes the limit on punitive damages in a case of wrongful death.

Committee Amendment "A" (H-314)

This amendment deletes from the bill new language on compensatory damages based on the probable duration of the deceased person's life if the injury hadn't occurred. It also reduces the cap on noneconomic damages from \$1,000,000 to \$750,000 and retains the cap on punitive damages.

Enacted Law Summary

Public Law 2019, chapter 198, increases the cap on noneconomic damages available in a wrongful death action from \$500,000 to \$750,000.

LD 846 Resolve, To Provide for the Sealing of Records of Convictions for Marijuana-related Violations That Are No Longer Crimes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R JACKSON T	ONTP	

This resolve requires the Department of Public Safety, Bureau of State Police, State Bureau of Identification to ensure that all criminal conviction records in the possession of the department that relate to the conviction for an offense involving marijuana that is no longer illegal are made confidential and prohibits the dissemination of such records. The department is required to submit a report to the 130th Legislature regarding the progress of the department in meeting the requirements of this legislation.

LD 847 An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms PUBLIC 516

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	OTP-AM ONTP	H-640

Joint Standing Committee on Judiciary

This bill provides that single-occupancy bathrooms in existing buildings for use by the general public may not be designated as gender specific. It also requires that new construction of buildings for use by the general public include the construction of single-occupancy bathrooms that meet the standards of construction for new buildings and the federal Americans with Disabilities Act of 1990. The bathrooms may not be designated as gender specific; the purpose of this provision is to ensure that a person with a disability using the bathroom may be assisted by an attendant of a different gender.

Committee Amendment "A" (H-640)

This amendment strikes the bill and instead provides that after January 1, 2020, new construction of public buildings must include single-occupancy toilet facilities that meet the accessibility requirements established in the Maine Human Rights Act, if the new construction has a maximum occupant capacity exceeding 100 individuals. For example, after January 1, 2020, a restaurant that seats at least 101 individuals is subject to the single-occupancy toilet facilities requirement.

Enacted Law Summary

Public Law 2019, chapter 516 provides that after January 1, 2020, new construction of public buildings must include single-occupancy toilet facilities that meet the accessibility requirements established in the Maine Human Rights Act, if the new construction has a maximum occupant capacity exceeding 100 individuals. For example, after January 1, 2020, a restaurant that seats at least 101 individuals is subject to the single-occupancy toilet facilities requirement.

LD 856	An Act To Give Probate Judges Latitude in Permitting Visitation by Grandparents	ONTP
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<u>Sponsor(s)</u> RILEY T	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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This bill authorizes a court to award a grandparent reasonable rights of visitation or access to a minor child regardless of objections the parents or legal guardians may have concerning the award of rights of visitation or access.

LD 868	An Act To Require That the Terms of a Settlement to Which a Governmental Entity is a Party Be Made Available to the Public	PUBLIC 215
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<u>Sponsor(s)</u> VEROW A	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-269
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This bill provides that the terms of a settlement of a claim against a county or municipality, including a payment by an insurer of the county or municipality, are a public record.

Committee Amendment "A" (H-269)

This amendment replaces the bill to make clear that a settlement agreement entered into by any governmental entity is a public record, except for any information in the agreement that is confidential by statute or is described by one of the exceptions to the definition of public record in the Freedom of Access Act.

Enacted Law Summary

Public Law 2019, chapter 215, makes clear that a settlement agreement entered into by any governmental entity is a public record, except for any information in the agreement that is confidential by statute or is described by one of