

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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Joint Standing Committee on Judiciary

LD 111 An Act To Establish an Additional Veterans Treatment Court

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHEATS B LIBBY N	OTP-AM OTP-AM	H-331 H-488 GUERIN S

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This bill directs the Chief Justice of the Supreme Judicial Court to establish a veterans treatment court in Androscoggin County.

Committee Amendment "A" (H-331)

This amendment is the majority report of the committee. This amendment replaces the bill, which requires the establishment of a veterans treatment court in Androscoggin County. Instead, this amendment relies on the enabling language already in statute for the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts where appropriate and provides the funding for the courts as well as for the services to be provided.

Committee Amendment "B" (H-332)

This amendment is the minority report of the committee. This amendment replaces the bill, which requires the establishment of a veterans treatment court in Androscoggin County. Instead, this amendment relies on the enabling language already in statute for the Chief Justice of the Supreme Judicial Court to establish veterans treatment courts where appropriate and provides the funding for the courts as well as for the services to be provided for the 2018-2019 biennium only.

House Amendment "B" To Committee Amendment "A" (H-488)

This amendment strikes the ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

House Amendment "A" To Committee Amendment "A" (H-470)

This amendment strikes the proposed ongoing funding for a veterans treatment court and instead provides funding for the next two biennia only.

This amendment was not adopted.

LD 123 An Act To Recodify and Revise the Maine Probate Code

PUBLIC 402

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-762

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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This bill, which was submitted pursuant to Resolve 2015, chapter 73, section 1, recodifies and revises the Maine Revised Statutes, Title 18-A and amends other laws affected by this recodification and revision accordingly.

Resolve 2013, chapters 5 and 82 directed the Probate and Trust Law Advisory Commission to review the existing Probate Code and the latest version of the Uniform Probate Code and develop legislative recommendations based on the review. The Probate and Trust Law Advisory Commission submitted legislative recommendations in a report to the Joint Standing Committee on Judiciary of the 127th Legislature on December 6, 2014 and included revisions to the recommendations in a subsequent report submitted November 20, 2015. The purpose of this bill is to adopt the Uniform Probate Code as the Maine Uniform Probate Code, incorporating the changes recommended by the Probate and Trust Law Advisory Commission, and to reorganize the Probate Code to be more logical, while bringing the language into conformity with current drafting standards, clarifying current law and eliminating inconsistencies within Title 18-A.

The bill was carried over to the Second Regular Session to give the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission an opportunity to review the Uniform Law Commission's new Uniform Guardianship, Conservatorship and Other Protective Arrangements Act and make recommendations for including provisions as part of Article 5 in the Committee Amendment.

Committee Amendment "A" (H-762)

This amendment is the product of extensive work of a subcommittee of the Judiciary Committee, as well as PATLAC, FLAC and many interested parties, incorporating the recommendations of the Probate and Trust Law Advisory Commission as well as the Family Law Advisory Commission.

This amendment updates many cross-references and makes many technical corrections, as well as making significant changes to the inheritance changes in Article 2 to be consistent with the Maine Parentage Act in Title 19-A, and including the majority of the new Uniform Guardianship, Conservatorship and Other Protective Arrangements Act as it pertains to adult guardianships and all conservatorships. Minor guardianships are based on the 2010 Uniform Probate Code as amended by the Family Law Advisory Commission. This amendment also makes changes to the adoption laws, as recommended by the Family Law Advisory Commission, to be consistent with constitutional requirements protecting fundamental parental rights, and to limit the annulment of adoptions after one year.

This amendment also incorporates the Uniform Real Property Transfer on Death Act, originally proposed as part of LD 969.

This amendment provides that the new Maine Uniform Probate Code takes effect July 1, 2019.

Part G of the amendment directs the Probate and Trust Law Advisory Commission, in consultation with the Family Law Advisory Commission, to develop Maine Uniform Probate Code Comments to accompany the statutory provisions of this legislation. The recommended comments must be submitted to the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019. That committee is given authority to report out legislation to fix any errors and inconsistencies created by recent legislation and this legislation and to address other issues related to the recodification and revision of the Maine Probate Code. Part G takes effect 90 days after the Second Regular Session of the 128th Legislature adjourns.

Enacted Law Summary

Public Law 2017, chapter 402 recodifies and revises the Maine Probate Code, repealing the Maine Revised Statutes, Title 18-A and replacing it with the Maine Uniform Probate Code, Title 18-C, effective July 1, 2019. The new Maine Uniform Probate Code is based on recommendations of the Probate and Trust Law Advisory Commission (PATLAC), which started with the 2010 Uniform Probate Code as its base. The Family Law Advisory Commission

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(FLAC) made recommendations with regard to parental rights and responsibilities throughout the Probate Code, including in laws governing minor guardianship and adoption.

Chapter 402 includes the changes recommended by PATLAC and FLAC, incorporating many of the provisions of the new Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPAA) with regard to adult guardianships and all conservatorships and other protective arrangements; the FLAC recommendations concerning minor guardianships, rather than the UGCOPAA proposals, are included. Chapter 402 also updates the adoption laws as recommended by FLAC.

Chapter 402 includes the Uniform Real Property Transfer on Death Act, as Part 4 of Article 6 governing nonprobate transfers.

The new Maine Uniform Probate Code takes effect July 1, 2019.

Part G of Chapter 402 directs the Probate and Trust Law Advisory Commission, in consultation with the Family Law Advisory Commission, to develop Maine Uniform Probate Code Comments to accompany the statutory provisions of this legislation. The recommended comments must be submitted to the joint standing committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019. That committee is given authority to report out legislation to fix any errors and inconsistencies created by recent legislation and this legislation and to address other issues related to the recodification and revision of the Maine Probate Code. Part G takes effect 90 days after the Second Regular Session of the 128th Legislature adjourns.

LD 170 An Act To Allow and Recognize a Legal Name Change upon Marriage Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHENETTE J	OTP-AM	H-274

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

The bill allows a person who is getting married to change that person's name by indicating the new name on the application for recording notice of intent to marry, which becomes effective upon the completion of the marriage license.

Committee Amendment "A" (H-274)

This amendment provides funds to the Department of Health and Human Services for technology updates made necessary by the bill.

**LD 197 RESOLUTION, Proposing an Amendment to the Constitution of Maine Died On
To Explicitly Protect against Sex Discrimination Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L VITELLI E	OTP-AM ONTP	H-133

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This resolution was reported out of committee in the First Regular Session of the 128th Legislature and then carried over to the Second Regular Session on the Special Appropriations Table by joint order S.P. 601. This resolution was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the Second Special Session by joint order S.P. 748.

This resolution proposes to amend the Constitution of Maine to prohibit the denial of equal rights based on the sex of an individual.

Committee Amendment "A" (H-133)

This is the majority report of the committee. This amendment incorporates a fiscal note.

LD 283 An Act To Increase the Jurisdictional Limits for Small Claims Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR J MIRAMANT D	ONTP OTP-AM	

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

The bill increases the jurisdictional limit for small claims from \$6,000 to \$15,000.

Committee Amendment "A" (H-590)

This amendment, which is the minority report of the committee, adds a General Fund appropriation of \$43,200 per year for the additional mediation costs to the Judicial Department expected to result from increasing the small claims jurisdictional limit.

LD 821 An Act To Enact the Revised Uniform Unclaimed Property Act ONTP

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill is a concept draft pursuant to Joint Rule 208. It proposes to adopt a law that is based on the Revised Uniform Unclaimed Property Act.

LD 846 An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act PUBLIC 359 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B HILL D	OTP-AM	H-691

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This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill enacts the Revised Uniform Fiduciary Access to Digital Assets Act, adopted by the Uniform Law Commission in 2015, as the Maine Revised Uniform Fiduciary Access to Digital Assets Act, Article 10 in the Maine Revised Statutes, Title 18-A.

The Revised Uniform Fiduciary Access to Digital Assets Act ensures that Internet users retain control of their digital property and can plan for its ultimate disposition after their death but also takes into account the digital privacy that users and those with whom they communicate have a right to expect under federal law and the unique authentication issues inherent in a paperless record-keeping system. Unless the user instructs otherwise, legally appointed fiduciaries will have the same access to digital assets as they have always had to tangible assets and the same duty to comply with the user's instructions.

This bill modifies the Revised Uniform Fiduciary Access to Digital Assets Act to be consistent with existing Maine law with regard to conservators.

Part B amends the Maine Uniform Power of Attorney Act to specifically allow a power of attorney to grant authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by Section 9 of the Revised Uniform Fiduciary Access to Digital Assets Act.

Part C provides that the provisions of this bill take effect January 1, 2018.

Committee Amendment "A" (H-691)

This amendment revises definitions to accommodate practices in Maine with regard to certain guardians and with regard to small estates. The definition of "conservator" is amended to include a guardian when the guardian is exercising the powers of a conservator because no conservator has been appointed. To be consistent, the definition of "protected person" is amended to include a person for whom a guardian has been appointed when no conservator has been appointed. The definition of "personal representative" is amended to cover a person claiming to be a successor of the decedent user who presents an affidavit governing access to assets in a small estate. This amendment amends the definition of "property" that applies to the entire Probate Code to include a digital asset as defined in the bill.

This amendment adds an emergency preamble and emergency clause and changes the effective date to July 1, 2018.

Enacted Law Summary

Public Law 2017, chapter 359 enacts the Revised Uniform Fiduciary Access to Digital Assets Act as the Maine Revised Uniform Fiduciary Access to Digital Assets Act, Article 10 in the Maine Revised Statutes, Title 18-A.

Chapter 359 ensures that Internet users retain control of their digital property and can plan for its ultimate disposition after their death but also takes into account the digital privacy that users and those with whom they communicate have a right to expect under federal law and the unique authentication issues inherent in a paperless record-keeping system. Unless the user instructs otherwise, legally appointed fiduciaries will have the same access to digital assets as they have always had to tangible assets and the same duty to comply with the user's instructions.

Chapter 359 amends the Maine Uniform Power of Attorney Act to specifically allow a power of attorney to grant authority to enable the agent to access the content of an electronic communication to be consistent with the grant of express authority required by the Revised Uniform Fiduciary Access to Digital Assets Act.

Chapter 359 was enacted as an emergency measure on April 4, 2018 and the law goes into effect July 1, 2018.

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LD 860 An Act To Establish a Statewide Electronic Warrant System

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GERRISH K ROSEN K	ONTP	

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

The bill directs the State Court Administrator to establish a secure electronic system for the application, issuance and return of arrest warrants and search warrants that provides access to authorized users statewide. The bill also amends the law on search warrants to require electronic application and issuance once the electronic system has been established. The bill further directs the Supreme Judicial Court to adopt amendments to Rule 4 of the Maine Rules of Unified Criminal Procedure, effective on the date of that the statewide electronic warrant system is established, to provide for the application, issuance and return of arrest warrants through electronic means.

LD 934 An Act To Establish an Expedited Temporary Guardianship Process

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREDETTE K	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the Probate Code to add an expedited process for the court to appoint a temporary guardian for a minor.

LD 123, Public Law 2017, Chapter 402 provides for the appointment of a guardian for a minor on an emergency basis.

LD 969 An Act Regarding Nonprobate Transfers on Death

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R WHITTEMORE R	ONTP	

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill enacts as Article 6, Part 4 of the Maine Probate Code the Uniform Real Property Transfer on Death Act, adopted by the Uniform Law Commission in 2009. This bill amends the Maine Probate Code to provide for the nonprobate transfer of personal property not already covered by Article 6 of the Maine Probate Code by enacting a new Part 5. The bill allows the owner of personal property, whether tangible or intangible, to provide for the transfer of that property to take place at the death of the owner without the property being included in the estate of the deceased owner. Current law already provides for "payable on death" accounts and the registration of securities to be transferred on the death of the owner. Part 5 is modeled on Missouri law.

The text of Part 4, as amended by the committee, was incorporated into the Committee Amendment to LD 123, An

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Act to Recodify and Revise the Maine Probate Code, now Public Law 2017, Chapter 402.

LD 1187 An Act To Amend the Child Protective Services Statutes

PUBLIC 411

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MALABY R	OTP-AM	H-724

This bill was carried over in committee from the First Regular Session to the Second Regular Session of the 128th Legislature by joint order H.P. 1138.

The bill makes the following changes to the laws governing child protective services.

1. It creates a rebuttable presumption that, when a child has been removed from the custody of the child's parent or parents, placement of the child with a relative is in the best interest of the child as long as the placement does not substantially interfere with parental reunification efforts.
2. It provides that in any hearing held by the court prior to issuing an order in a child protection proceeding, a parent of the child who is the subject of the proceeding has the right to hear all evidence presented, except for testimony by the guardian ad litem, prior to testifying in the hearing.
3. It changes the standard of proof at a summary preliminary hearing from a preponderance of the evidence to clear and convincing evidence.
4. It requires that the Department of Health and Human Services limit its use of preliminary protection orders to no more than 50% of the total child protection petitions it files in a calendar year.
5. It requires the department to report to the Legislature annually the number of preliminary protection orders it requested in the previous calendar year as well as the total number of child petitions it filed in that same calendar year.

Committee Amendment "A" (H-724)

This amendment replaces the bill and makes the following changes to the Child and Family Services and Child Protection Act.

1. It specifies that the standard of the best interest of the child set forth in the Maine Revised Statutes, Title 19-A, section 1653, subsection 3 applies to child protection proceedings.
2. It amends the definition of "relative" to be consistent with the Maine Parentage Act and the federal Indian Child Welfare Act of 1978.
3. It establishes the Legislature's intent that a child who has been removed from the custody of the child's parents be placed with as many of the child's siblings as is possible and consistent with the safety and well-being of the child and the child's siblings.
4. It outlines the process and timelines that the Department of Health and Human Services must follow to effectuate the Legislature's intent that the department place a child who has been removed from the custody of the child's parents with an adult relative rather than a nonrelated caregiver as long as the adult relative passes child welfare and criminal background checks and exercises due diligence to obtain a license as a family foster home.
5. It changes the laws outlining a court's authority to order grandparent visitation or access to a child and to order

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placement of a child with a relative and moves those laws to a section of the Act immediately following the section outlining the department's responsibilities for relative and sibling placement. The amendment authorizes the court to order a relative who requests placement to participate in mediation with the foster parents, if any, the guardian ad litem and the department, when appropriate. The court must consider but is not bound by an agreement involving placement or visitation reached by the parties at mediation. The amendment also provides that if a court orders that a child be placed with a relative as part of a permanency planning order, that placement is the preferred placement in all future proceedings on the child protection petition unless the court finds that remaining in that placement will negatively affect the child.

Enacted Law Summary

Public Law 2017, chapter 411 makes the following changes to the Child and Family Services and Child Protection Act.

1. It specifies that the standard of the best interest of the child set forth in the Maine Revised Statutes, Title 19-A, section 1653, subsection 3 applies to child protection proceedings.
2. It amends the definition of "relative" to be consistent with the Maine Parentage Act and the federal Indian Child Welfare Act of 1978.
3. It establishes the Legislature's intent that a child who has been removed from the custody of the child's parents be placed with as many of the child's siblings as is possible and consistent with the safety and well-being of the child and the child's siblings.
4. It outlines the process and timelines that the Department of Health and Human Services must follow to effectuate the Legislature's intent that the department place a child who has been removed from the custody of the child's parents with an adult relative rather than a nonrelated caregiver as long as the adult relative passes child welfare and criminal background checks and exercises due diligence to obtain a license as a family foster home.
5. It changes the laws outlining a court's authority to order grandparent visitation or access to a child and to order placement of a child with a relative and moves those laws to a section of the Act immediately following the section outlining the department's responsibilities for relative and sibling placement. The court may order a relative who requests placement to participate in mediation with the foster parents, if any, the guardian ad litem and the department, when appropriate. The court must consider but is not bound by an agreement involving placement or visitation reached by the parties at mediation. If a court orders that a child be placed with a relative as part of a permanency planning order, that placement is the preferred placement in all future proceedings on the child protection petition unless the court finds that remaining in that placement will negatively affect the child.

LD 1190 An Act Regarding Driver's License Suspensions for Nondriving-related Violations

PUBLIC 462

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M KEIM L	OTP-AM ONTP	H-532 H-550 MOONEN M

This bill was reported out of committee in the First Regular Session of the 128th Legislature and then carried over on the Special Appropriations Table. This bill was again carried over, still on the Special Appropriations Table, from the Second Regular Session to the special session by joint order S.P. 748.

This bill removes the provisions of law that allow driver's license suspensions for failure to pay a fine in offenses not related to driving. This bill provides that the statutory exemptions from attachment and execution for certain property apply to the enforcement of fines owed to the State.

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Committee Amendment "A" (H-532)

This amendment adds a sunset to the bill of October 1, 2021, thus prohibiting driver's license suspensions for failure to pay a fine in offenses not related to driving until October 1, 2021, and allowing two full fiscal years of information about the fiscal effect of eliminating driver's license suspension as a tool to collect fines. Without further legislative action, the law in effect prior to this Act takes effect on October 1, 2021, reinstating the ability of the court to suspend driver's licenses for nonpayment of fines.

House Amendment "A" To Committee Amendment "A" (H-550)

The bill eliminates the ability of the court to suspend a person's driver's license for failure to pay a court-ordered fine for an offense not related to driving. This amendment amends the committee amendment to give the court the option of restricting a person's driver's license to work, work-search or education purposes if the person has the ability to pay a fine and fails to do so.

Enacted Law Summary

Public Law 2017, chapter 462 provides that driver's licenses may not be suspended for failure to pay a fine in offenses not related to driving. Chapter 462 provides that the statutory exemptions from attachment and execution for certain property apply to the enforcement of fines owed to the State. Chapter 462 includes a sunset of October 1, 2021, thus prohibiting driver's license suspensions for failure to pay a fine in offenses not related to driving until October 1, 2021. Without further legislative action, the law in effect prior to this Act takes effect on October 1, 2021, reinstating the ability of the court to suspend driver's licenses for nonpayment of fines. Chapter 462 gives the court the option of restricting a person's driver's license to work, work-search or education purposes if the person has the ability to pay a fine and fails to do so.

LD 1267 An Act To Protect Licensing Information of Medical Professionals

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KATZ R TUELL W	OTP-AM	S-424

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill provides that information concerning the application for and granting of licenses issued by the State Board of Nursing, the Board of Osteopathic Licensure and the Board of Licensure in Medicine is confidential, except that each board is required to allow inspection of certain information.

Committee Amendment "A" (S-424)

This amendment replaces the bill. This amendment allows applicants and licensees of the State Board of Nursing, the Board of Osteopathic Licensure and the Board of Licensure in Medicine to review their own redacted licensing files before the respective board makes the file available for inspection or copying after the licensing file has been requested. The applicant or licensee has 10 business days from when the file is sent to stop the release of the redacted licensing file by filing an action in Superior Court to enjoin the release of the file because making the redacted file available to the public creates a potential risk to the personal safety of the applicant or licensee or any third party.

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LD 1355 An Act To Ensure the Timely and Proper Completion of Residential Foreclosures

ONTP

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill makes changes to the laws governing the adjournment of a public sale of foreclosed premises and where such a sale must be conducted. It clarifies several aspects of the post-foreclosure sale process regarding the filing of reports of sale and mandates that the report be filed within 45 days of the sale. If a foreclosure sale produces proceeds beyond those payable to the mortgagee, the bill requires the mortgagee to pay the surplus to the mortgagor or other party entitled to it no later than the time of the filing of the report of sale and provides a means for the party entitled to the surplus to obtain a court order for the turnover of the surplus if the mortgagee fails to do so. The bill clarifies that, after the redemption period has expired, but before a sale, a mortgagee may agree with a mortgagor to a reinstatement of the mortgage, and that the mortgagee may, in connection with the reinstatement, waive the foreclosure judgment and restore all parties to the action to the positions that they were in before any foreclosure.

LD 1406 An Act To Promote Prescription Drug Price Transparency

PUBLIC 406

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
VITELLI E FOLEY R	OTP-AM OTP-AM	S-452

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

This bill amends the law governing profiteering in prescription drugs. The bill requires more disclosure of drug production, research and development costs, marketing and advertising costs and actual costs paid upon purchase. The bill allows investigations by the Attorney General of violations of these provisions.

Committee Amendment "A" (S-451)

This amendment is the majority report of the committee. The amendment replaces the bill and amends the statutes governing the Maine Health Data Organization to address the collection and reporting of information about prescription drug prices.

This amendment directs the Maine Health Data Organization, referred to as the "organization," to collect and report information with regard to the 25 prescription drugs that are the most frequently prescribed in the State, the 25 costliest as determined by the total amount spent on those drugs in the State and the 25 drugs that have the highest year-over-year cost increases in total spending in the State. The organization is required to post online a list of the identified prescription drugs, along with the corresponding wholesale acquisition cost and the percentage of wholesale acquisition cost increase, if applicable, for each identified prescription drug.

This amendment directs the organization to develop a plan to collect data from manufacturers that will help explain how prescription drug prices are established. The organization is required to work with other state and national agencies and organizations to determine how to conduct the data collection. The organization is required to submit the plan as well as any recommendations for legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by April 1, 2019. That committee may report out legislation to the First or Second Regular Session of the 129th Legislature.

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Using the plan developed and reported to the Legislature, starting in 2019, the organization must require the manufacturer of each drug on the list to disclose drug production, research and development costs, marketing and advertising costs and actual costs paid by purchasers. The manufacturer must certify the accuracy of the information and provide it within 60 days after the information is requested by the organization. The organization is authorized to request additional information related to the required information.

The organization is required to submit an annual report to the Legislature based on the list of up to 75 drugs and the wholesale acquisition cost information. The organization may include in the report recommendations for increasing prescription drug pricing transparency. Once the organization starts collecting information from manufacturers in 2019, the report must also include at least a summary of the manufacturer information. The organization is required to post the report online.

This amendment replaces the penalties in the bill to provide that when a manufacturer violates the reporting requirements, the Board of Directors of the Maine Health Data Organization may impose a fine of not more than \$10,000 per day after the deadline for reporting required information. If the manufacturer fails to pay a fine, or if an injunction is necessary, the board may refer the matter to the Attorney General. The Attorney General may bring an action in Superior Court for injunctive relief, enforcement of fines, costs, attorney's fees and any other appropriate remedy.

The legislation does not restrict the legal ability of a prescription drug manufacturer to change prices to the extent permitted under federal law.

The amendment includes an appropriations and allocations section.

Committee Amendment "B" (S-452)

This amendment is the minority report of the committee. This amendment directs the Maine Health Data Organization, referred to as the "organization," to collect and report information with regard to the 25 prescription drugs that are the most frequently prescribed in the State, the 25 costliest as determined by the total amount spent on those drugs in the State and the 25 drugs that have the highest year-over-year cost increases in total spending in the State. The organization is required to post online a list of the identified prescription drugs, along with the corresponding wholesale acquisition cost and the percentage of wholesale acquisition cost increase, if applicable, for each identified prescription drug.

This amendment directs the organization to develop a plan to collect data from manufacturers that will help explain how prescription drug prices are established. The organization is required to work with other state and national agencies and organizations to determine how to conduct the data collection. The organization is required to submit the plan as well as any recommendations for legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by April 1, 2019. That committee may report out legislation to the First or Second Regular Session of the 129th Legislature.

The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2017, chapter 406 directs the Maine Health Data Organization to analyze and post pharmacy data it currently collects to identify prescription drugs, both brand name and generic, that are the 25 most frequently prescribed in the State, the 25 costliest drugs as determined by total spending in the State and the 25 drugs that have the highest year-over-year cost increases in the State. The Maine Health Data Organization is required to prepare the report annually, beginning with the first report by December 1, 2018.

Chapter 406 directs the Maine Health Data Organization to develop a plan to collect data from manufacturers that will help explain how prescription drug prices are established. The organization is required to work with other state

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and national agencies and organizations to determine how to conduct the data collection. The organization must submit the plan as well as any recommendations for legislation to the joint standing committee of the Legislature having jurisdiction over judiciary matters by April 1, 2019. That committee may report out legislation to the First or Second Regular Session of the 129th Legislature.

LD 1541 An Act To Protect Certain Administrative Licensing Files

ONTP

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

This bill was carried over from the First Regular Session to the Second Regular Session of the 128th Legislature.

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.

LD 1658 An Act To Make Criminal History Record Information Maintained in a Database Confidential

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COREY P DIAMOND B	ONTP	

This bill makes criminal history record information contained in a database maintained or caused to be maintained by the Department of Public Safety, State Bureau of Identification confidential.

LD 1670 An Act To Revise the Grandparents Visitation Act

PUBLIC 328

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B	OTP-AM	H-597

This bill amends the Grandparents Visitation Act to alleviate the constitutional concerns raised by the Law Court in *Dorr v. Woodard*, 2016 ME 79, 140 A.3d 467. Specifically, the bill:

1. Requires that a grandparent seeking access to or visitation with a child under the Grandparents Visitation Act demonstrate standing to proceed at the outset of the case through a procedure that more closely tracks the procedure for demonstrating standing to obtain de facto parentage of a child under the Maine Parentage Act;
2. Amends the substantive test for a grandparent's standing by eliminating the automatic standing granted under current law to a grandparent when one of the child's parents or legal guardians has died. Under the bill, a grandparent has standing if the grandparent can demonstrate that the grandparent has a "sufficient existing relationship" with the child as that term is newly defined in the bill, that the absence of contact between the

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grandparent and the child will substantially and negatively affect the child or that any other compelling state interest justifies the court's interference with the parent's fundamental right to deny the grandparent access to the child;

3. Prohibits a court from ordering the parties to engage in mediation prior to a court determination that a grandparent has made a prima facie showing of standing; and

4. Clarifies that a grandparent's ability to file an action for de facto parentage or for guardianship of a child is not limited by the Grandparents Visitation Act.

Committee Amendment "A" (H-597)

This amendment changes the substantive test set forth in the bill for a grandparent's standing to seek access to or visitation with a child under the Grandparents Visitation Act for purposes of clarity. To establish standing under the amendment, the grandparent must show either that the grandparent has a "sufficient existing relationship" with the child as that term is defined in the amendment or that any other compelling state interest justifies the court's interference with the parent's fundamental right to deny the grandparent access to the child.

Under the amendment, "sufficient existing relationship" is defined as a relationship involving extraordinary contact between the grandparent and the child, including but not limited to circumstances where the grandparent has been a primary caregiver and custodian of the child for a significant period of time. This definition of "sufficient existing relationship" is intended to codify the Law Court's decisions in *Rideout v. Riendeau*, 2000 ME 198, 761 A.2d 291, and *Robichaud v. Pariseau*, 2003 ME 54, 820 A.2d 1212.

The amendment also clarifies that a grandparent's ability to join with two or more other persons and file a child protection petition is not limited by the Grandparents Visitation Act.

Enacted Law Summary

Public Law 2017, chapter 328 amends the Grandparents Visitation Act to alleviate the constitutional concerns raised by the Law Court in *Dorr v. Woodard*, 2016 ME 79, 140 A.3d 467. Specifically, it:

1. Requires that a grandparent seeking access to or visitation with a child under the Grandparents Visitation Act demonstrate standing to proceed at the outset of the case through a procedure that closely tracks the procedure for demonstrating standing to obtain de facto parentage of a child under the Maine Parentage Act;
2. Eliminates the automatic standing granted under prior law to a grandparent when one of the child's parents or legal guardians has died. Under chapter 328, to establish standing under the Grandparents Visitation Act the grandparent must demonstrate either that the grandparent has a sufficient existing relationship with the child or that any other compelling state interest justifies the court's interference with the parent's fundamental right to deny the grandparent access to the child. In accordance with the Law Court's decisions in *Rideout v. Riendeau*, 2000 ME 198, 761 A.2d 291, and *Robichaud v. Pariseau*, 2003 ME 54, 820 A.2d 1212, a "sufficient existing relationship" is defined as a relationship involving extraordinary contact between the grandparent and the child, including but not limited to circumstances where the grandparent has been a primary caregiver and custodian of the child for a significant period of time;
3. Prohibits a court from ordering the parties to engage in mediation prior to a court determination that a grandparent has made a prima facie showing of standing; and
4. Clarifies that a grandparent's ability to file an action for de facto parentage of a child, to file an action for guardianship of a child or to join with two or more other persons and file a child protection petition is not limited by the Grandparents Visitation Act.

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**LD 1678 An Act To Amend the Laws Affecting the Judicial Branch Regarding
Railroad Trespass Civil Violations and Fines for Civil Violations**

PUBLIC 329

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M KEIM L	OTP-AM	H-591

This bill authorizes the Chief Judge of the District Court to establish a schedule of the fines to be imposed on individuals charged with specific civil violations who wish to waive their rights to contest the charges in court and instead admit to committing the violations.

The bill also reclassifies as "traffic infractions" rather than "civil violations" first-, second- and third-offense civil railroad trespasses involving walking or standing on a railroad track or bridge without permission. By reclassifying these offenses, the bill allows these offenses to be processed by the District Court's violations bureau in the same way that traffic infractions are processed.

Committee Amendment "A" (H-591)

This amendment clarifies that when the Chief Judge of the District Court establishes the schedule of fines for civil violations to be imposed on persons charged with civil violations who wish to admit to the violations and waive their rights to contest the charges in court, the fines on the schedule must be within the limits prescribed by law.

Enacted Law Summary

Public Law 2017, chapter 329 authorizes the Chief Judge of the District Court to establish, within the limits prescribed by law, a schedule of the fines to be imposed on individuals charged with specific civil violations who admit to committing the violations and agree to waive their rights to contest the charges in court.

Chapter 329 also reclassifies as "traffic infractions" rather than "civil violations" first-, second- and third-offense civil railroad trespasses involving walking or standing on a railroad track or bridge without permission. Once reclassified, these offenses can be processed by the District Court's violations bureau in the same way that traffic infractions are processed.

**LD 1691 Resolve, Directing the Secretary of State To Study the Revised Uniform
Law on Notarial Acts**

**Died Between
Houses**

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

This resolve directs the Secretary of State to review the Revised Uniform Law on Notarial Acts approved in 2010 by the National Conference of Commissioners on Uniform State Laws. The resolve directs the Secretary of State to submit a report, including a recommendation whether to adopt the uniform law along with any proposed implementing legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out a bill to the 129th Legislature.

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LD 1695 An Act To Clarify Educational Placement and Notification in Regard to Parental Rights and Responsibilities

Accepted Majority (ONTP) Report

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HERBIG E THIBODEAU M	ONTP OTP-AM	

This bill is a concept draft pursuant to Joint Rule 208 that proposes to clarify the law governing a school's responsibility to notify the parent of a minor child upon the registration in school of that child by another parent.

This bill was originally referred to the Joint Standing Committee on Education and Cultural Affairs, which recommended re-referring the bill to the Joint Standing Committee on Judiciary.

Committee Amendment "A" (H-692)

This amendment is the minority report of the committee. The amendment replaces the bill, which is a concept draft, and does the following.

1. It prohibits a parent from transferring a child from one primary or secondary school to a different primary or secondary school without the consent of all other persons having parental rights with respect to the child unless a court of competent jurisdiction has awarded the parent sole parental rights and responsibilities with respect to the child or has allocated to the parent the right to make education decisions for the child or the right to enroll the child in school. It requires the parent who seeks to transfer the child from one primary or secondary school to another primary or secondary school to provide written documentation demonstrating the parent's authority to enroll the child.
2. It authorizes a court that is determining parental rights and responsibilities to consider the fact that a parent who has not been granted the authority to make school enrollment decisions for a child has transferred the child to a different primary or secondary school without the consent of other persons having parental rights.

LD 1716 An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs

PUBLIC 338

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J DIAMOND B	OTP-AM	H-579 H-612 MOONEN M

This bill extends Good Samaritan liability protection to cover emergency medical services persons and law enforcement dog handlers who treat law enforcement dogs, search and rescue dogs and service dogs in emergency situations.

Committee Amendment "A" (H-579)

This amendment replaces the bill's definition of "emergency medical services person" with a definition cross-referencing the existing definition of "emergency medical services' person" in the Maine Emergency Medical Services Act of 1982.

House Amendment "A" (H-612)

This amendment revises the bill to allow any law enforcement officer who has been trained to provide rescue services to provide those services for a law enforcement dog, search and rescue dog or service dog while being

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subject to the bill's immunity. It defines the term "security services dog handler." It also clarifies that the immunity applies only if the law enforcement officer, security services dog handler or emergency medical services person has received training in the medical stabilization of dogs.

Enacted Law Summary

Public Law 2017, chapter 338 provides Good Samaritan liability protection to cover emergency medical services persons, law enforcement dog handlers and security services dog handlers who treat law enforcement dogs, search and rescue dogs and service dogs in emergency situations as long as the emergency medical services person, the law enforcement officer or security services dog handler has received training in the medical stabilization of dogs.

LD 1717 An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains

PUBLIC 335

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M HILL D	OTP-AM	H-596

This bill authorizes the Chief Medical Examiner to assume responsibility for the disposal of abandoned human remains that are the subject of a medical examiner case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. It also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.

Committee Amendment "A" (H-596)

The Department of the Attorney General, Office of Chief Medical Examiner currently has authority to make appropriate disposition of unidentified human remains and identified human remains without a connection to the State. This amendment clarifies that the bill provides similar authorization to the Office of Chief Medical Examiner to make appropriate disposition of identified but abandoned human remains with a connection to the State and that the State is the payor of last resort.

Enacted Law Summary

Public Law 2017, chapter 335 authorizes the Chief Medical Examiner to assume responsibility for the disposal of identified human remains with a connection to the State that are the subject of a medical examiner case if no one takes custody and control of them 30 days after an autopsy or necessary examination has taken place. The State is the payor of last result for the costs of appropriate disposition.

Chapter 335 also directs the Office of Chief Medical Examiner to charge \$100 per year, per case for forensic preservation of body fragments and fluids.

LD 1763 An Act To Authorize Certain Health Care Professionals Who Are Not Physicians To Perform Abortions

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J KATZ R		

This bill was carried over from the Second Regular Session to the Second Special Session by joint order S.P. 748. This bill was not referred to committee.

This bill allows a physician assistant or an advanced practice registered nurse licensed as such in this State to

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perform abortions, in addition to a licensed allopathic or osteopathic physician.

**LD 1788 An Act To Enhance Safety for Victims of Sexual Assault and Stalking
and To Amend the Laws Governing Harassment and Protection from
Abuse**

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S ROSEN K	OTP-AM	H-689 H-783 MOONEN M

This bill adds violations that may form the basis of the issuance of a protection from harassment order. It adds harassment by telephone or by electronic communication device to the list of types of cases in which a plaintiff is not required to file a copy of a notice to stop harassing the plaintiff issued to the defendant in order to commence a protection from harassment proceeding.

The bill provides that a person is guilty of harassment by telephone or by electronic communication device if by means of telephone or electronic communication device the person sends an image or video of a sexual act, of sexual contact or of the actor's or another person's genitals without the consent of the person called or contacted.

The bill adds violations that may form the basis of the issuance of a protection from abuse order to protect a minor.

The bill amends the law governing remedies available to tenants who are victims of domestic violence, sexual assault or stalking by expanding the forms of acceptable documentation that may be provided to landlords to include copies of police reports prepared in response to investigations of sexual assault or stalking and copies of criminal complaints, indictments or convictions for charges of sexual assault or stalking.

See also LD 1838 (Criminal Justice and Public Safety Committee), now Public Law 2017, chapter 397.

Committee Amendment "A" (H-689)

This amendment removes the expansion of the crime of harassment by telephone or by electronic communication device as proposed in the bill. It also removes the cross-references to the expanded crime in the protection from harassment and protection from abuse laws.

House Amendment "A" to Committee Amendment "A" (H-783)

This amendment updates provisions that relate to the crime of harassment by telephone or electronic communication device to conform to the new descriptions of conduct of that crime contained in Public Law 2017, chapter 397. This amendment ensures that harassment by telephone or electronic communication device as described in chapter 397 is conduct that can be subject to protection from harassment orders and protection from abuse orders.

Enacted Law Summary

Public Law 2017, chapter 455 adds violations that may form the basis of the issuance of a protection from abuse order to protect a minor and amends the law governing remedies available to tenants who are victims of domestic violence, sexual assault or stalking by expanding the forms of acceptable documentation that may be provided to landlords to include copies of police reports prepared in response to investigations of sexual assault or stalking and copies of criminal complaints, indictments or convictions for charges of sexual assault or stalking.

Chapter 455 updates the categories of conduct leading to a protection from harassment order to include the expanded crime of harassment by telephone or electronic communication device. Chapter 455 ensures that harassment by telephone or electronic communication device as described in Public Law 2017, chapter 397

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(LD 1838, Criminal Justice and Public Safety Committee) is conduct that can be subject to protection from harassment orders and protection from abuse orders.

LD 1793 An Act To Ensure Propane Delivery during Emergencies

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B FAY J	ONTP	

This bill allows a person who is not the owner of a liquefied petroleum gas container to fill or refill that container with propane during the period for which the Governor has issued an emergency declaration relating to heating fuel shortages, if the owner of the container authorizes that person to fill or refill the container. The bill does not require a person who is authorized by an owner to fill or refill a liquefied petroleum gas container to fill or refill that container. The bill provides a limitation of liability for the liquefied petroleum gas container owner and the person who fills or refills the container.

LD 1812 Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services

**RESOLVE 52
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-657

This resolve is a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It directs the Legislative Council to contract for an independent, nonpartisan, objective evaluation of and report on the provision of indigent legal services with a nonprofit organization that conducts such evaluations. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to report out legislation based on the report.

Committee Amendment "A" (H-657)

This amendment is the majority report of the committee. It replaces the appropriations and allocations section in the resolve to transfer funds from the All Other account of the Maine Commission on Indigent Legal Services to pay for the independent, nonpartisan study.

Enacted Law Summary

Resolve 2017, chapter 52 directs the Legislative Council to contract for an independent, nonpartisan, objective evaluation of and report on the provision of indigent legal services with a nonprofit organization that conducts such evaluations. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters is authorized to report out legislation based on the report.

Chapter 52 was finally passed as an emergency measure effective April 21, 2018.

LD 1817 An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services

**PUBLIC 430
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-756

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This bill was reported out of committee in the Second Regular session of the 128th Legislature. The bill was carried over the the next special session by joint order S.P. 748.

This bill is a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It amends the makeup of the Maine Commission on Indigent Legal Services, based on suggestions of the Sixth Amendment Center, to include appointments suggested by the Dean of the University of Maine School of Law and the president of a statewide organization representing attorneys. It also increases the number of appointments from a list suggested by the Chief Justice of the Supreme Judicial Court from one to two. The number of members required for a quorum is adjusted from three to five.

In order to ensure the independence of the commission and ensure no appearance of conflict of interest, the bill prohibits the appointment to the commission of a person who is a sitting judge, prosecutor, law enforcement official or indigent legal services provider, or an employee of such a person.

Committee Amendment "A" (H-756)

This amendment is the majority report of the committee. This amendment replaces the bill while retaining the original purpose to expand the membership of the Maine Commission on Indigent Legal Services.

Like the bill, the amendment expands the number of commission members from five to nine. The Governor is still responsible for appointing all members. The amendment increases the number to be appointed from a list of qualified potential appointees provided by the Chief Justice of the Supreme Judicial Court from one, as in current law, to three. The amendment requires one appointment from a list of qualified potential appointees submitted by the Maine State Bar Association and one appointed from a list provided by a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. These members must provide indigent legal services as a majority of their practices, and are nonvoting members of the Commission. The amendment requires the Governor to appoint a member who has experience in administration and finance as well as a member who has experience providing representation in child protection proceedings.

Current law requires appointees to have the knowledge and skills required to ensure that quality of representation is provided in each area of law. The amendment removes the skill requirement. The amendment provides that no more than seven members may be attorneys engaged in the active practice of law.

The amendment also addresses issues regarding potential conflicts of interest. It provides that no voting members may receive compensation from the commission, other than the per diem and expenses authorized by statute, while a member of the commission. The limitation on compensation from the commission also applies to a member whose immediate family member living in the same household is receiving compensation from the commission. The limitation on compensation does not apply to any member serving on the commission on April 1, 2018, for the duration of that member's term. In addition, the amendment makes ineligible for appointment a person who is a sitting judge, a prosecutor or a law enforcement official or an employee of any of these individuals.

The amendment addresses the issue of how many members constitute a quorum. The amended language defines a quorum as a majority of the current voting members, which will allow the commission to function as it transitions from five members to seven voting members. As four additional members will be appointed to the commission, the amendment directs the Governor to designate one of the new members to serve a full three-year term, two members to serve an initial two-year term and one member to serve an initial term of one year.

Enacted Law Summary

Public Law 2017, chapter 430 is based on a recommendation of the Working Group to Improve the Provision of Indigent Legal Services. It amends the makeup of the Maine Commission on Indigent Legal Services, based on suggestions of the Sixth Amendment Center, to expand the number of commission members from five to nine. The Governor is still responsible for appointing all members. The number to be appointed from a list of qualified

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potential appointees provided by the Chief Justice of the Supreme Judicial Court is increased from one, as in current law, to three. Chapter 430 requires one appointment from a list of qualified potential appointees submitted by the Maine State Bar Association and one appointed from a list provided by a statewide organization, other than the Maine State Bar Association, that represents criminal defense attorneys. These members must provide indigent legal services as a majority of their practices, and are nonvoting members of the Commission. Chapter 430 requires the Governor to appoint a member who has experience in administration and finance as well as a member who has experience providing representation in child protection proceedings. Chapter 430 provides that no more than seven members may be attorneys engaged in the active practice of law.

Chapter 430 also addresses issues regarding potential conflicts of interest. It provides that no voting members may receive compensation from the commission, other than the per diem and expenses authorized by statute, while a member of the commission. The limitation on compensation from the commission also applies to a member whose immediate family member living in the same household is receiving compensation from the commission. The limitation on compensation does not apply to any member serving on the commission on April 1, 2018 for the duration of that member's term. In addition, Chapter 430 makes ineligible for appointment a person who is a sitting judge, a prosecutor or a law enforcement official or an employee of any of these individuals.

Chapter 430 addresses the issue of how many members constitute a quorum. A quorum is defined as a majority of the current voting members, which will allow the commission to function as it transitions from five members to seven voting members. As four additional members will be appointed to the commission, chapter 430 directs the Governor to designate one of the new members to serve a full three-year term, two members to serve an initial two-year term and one member to serve an initial term of one year.

Public Law 2017, chapter 430 was enacted as an emergency measure effective July 1, 2018.

LD 1821 An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials

Died Between Houses

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM
ONTP

H-680

Current law requires officials elected to certain positions to complete training on the requirements of the Freedom of Access Act but does not require officials appointed to those positions to complete that training. This bill implements the recommendation of the Right To Know Advisory Committee that appointed officials also be required to complete the training.

Committee Amendment "A" (H-680)

This amendment is the majority report of the committee. It adds a mandate preamble to the bill. The costs incurred by local governments to comply with the bill's provisions have been estimated to be insignificant.

LD 1827 An Act To Amend the Maine Uniform Trust Code Regarding Reporting by Trustees and the Duties of Trustees to Settlers

PUBLIC 349

Sponsor(s)

Committee Report

Amendments Adopted

CARDONE B
HILL D

OTP-AM

H-636

This bill amends the Maine Uniform Trust Code in two ways. First, it corrects a gap in the statute governing a trustee's duties with regard to reporting to a beneficiary or another person designated by the trust's settlor. The

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correction allows the trustee to carry out the settlor's directions without violating the duty established by statute. Second, this bill corrects an ambiguity with regard to the duty the trustee owes to the settlor of a revocable trust during the settlor's lifetime, clarifying that the trustee has no duty to provide information and reports to distributees, permissible distributees or qualified beneficiaries while the settlor is alive.

Committee Amendment "A" (H-636)

This amendment clarifies that the settlor of a trust has authority to waive one or more of the trustee's duties that are listed in the Maine Revised Statutes, Title 18-B, section 813, subsections 1, 2 and 3 with regard to giving notice, information and reports to qualified beneficiaries.

Enacted Law Summary

Public Law 2017, chapter 349 amends the Maine Uniform Trust Code in two ways. First, it corrects a gap in the statute governing a trustee's duties with regard to reporting to a beneficiary or another person designated by the trust's settlor. The correction allows the trustee to carry out the settlor's directions without violating the duty established by statute; it clarifies that the settlor of a trust has authority to waive one or more of the trustee's duties that are listed in Title 18-B, section 813, subsections 1, 2 and 3 with regard to giving notice, information and reports to qualified beneficiaries. Second, this bill corrects an ambiguity with regard to the duty the trustee owes to the settlor of a revocable trust during the settlor's lifetime, clarifying that the trustee has no duty to provide information and reports to distributees, permissible distributees or qualified beneficiaries while the settlor is alive.

LD 1831 An Act Concerning Remote Participation in Public Proceedings

**Accepted Majority
(ONTP) Report**

Sponsor(s)

Committee Report

Amendments Adopted

ONTP
OTP

This bill is in response to recommendations contained in the Right To Know Advisory Committee's 12th annual report concerning remote participation in public proceedings by members of public bodies that are subject to the Freedom of Access Act. The bill expressly prohibits a member of a body subject to the Freedom of Access Act from participating in the body's public proceedings if the member is not physically present.

Part A prohibits a member of a public body from participating in a public proceeding when that member is not physically present at the location of the public proceeding as indicated in the required public notice. The members of seven specific public bodies are currently statutorily authorized to participate remotely in the public proceedings of those bodies, and they may continue to do so as long as the statutes still authorize such participation. The seven bodies are the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority, the Maine Municipal Bond Bank, the Emergency Medical Services' Board and the Workers' Compensation Board.

Part B amends the statutes enabling remote participation for the seven bodies to repeal the authorization for remote participation July 1, 2020.

Part C amends the Freedom of Access Act to require the joint standing committee of the Legislature having jurisdiction over judiciary matters to conduct a review of any proposed statutory authorization of remote participation or change in accessibility with respect to public proceedings.

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**LD 1832 An Act To Implement Recommendations of the Right To Know Advisory
Committee Concerning Remote Participation**

**Accepted Majority
(ONTP) Report**

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

This bill implements the recommendation of the Right To Know Advisory Committee to clarify when members of public bodies may participate remotely in public proceedings of those bodies. The bill prohibits a body subject to the Freedom of Access Act from allowing its members to participate in its public proceedings through telephonic, video, electronic or other similar means of communication unless the body has adopted a written policy that authorizes remote participation in a manner that allows all members to simultaneously hear and speak to each other during the public proceeding and allows members of the public attending the public proceeding at the location identified in the meeting notice to hear all members of the body. If the policy allows remote participation in executive sessions, the policy must establish procedures and requirements that ensure the privacy of the executive session. The bill requires a quorum of the body to be physically present at the location identified in the meeting notice unless immediate action is imperative and physical presence of a quorum is not reasonably practicable within the period of time requiring action. The bill requires that each member participating remotely identify all persons present at the remote location, that all votes be taken by roll call and that members participating remotely receive documents or other materials presented or discussed at the public proceeding in advance or when made available at the meeting, if the technology is available. The bill prohibits members who are not physically present at the meeting location from participating and voting in adjudicatory proceedings.

The bill prohibits the Legislature from allowing its members to participate in its public proceedings through telephonic, video, electronic or other similar means of communication, but allows the Finance Authority of Maine, the Commission on Governmental Ethics and Election Practices, the Maine Health and Higher Educational Facilities Authority, the Maine State Housing Authority, the Maine Municipal Bond Bank, the Emergency Medical Services' Board and the Workers' Compensation Board to continue allowing remote participation at their public proceedings as currently authorized in law.

Committee Amendment "A" (H-735)

This amendment is the minority report of the committee. This amendment makes the following changes to the bill.

1. It prohibits remote participation in executive session. It also prohibits a member who is participating remotely in a proceeding from voting on an issue that was discussed in executive session that immediately preceded the vote in the public proceeding.
2. It changes, for public bodies that consist of three or fewer members, the requirement that a quorum be physically present. It requires at least one member of the public body of three or fewer members to be physically present at the location identified in the meeting notice.
3. It requires that each member of a public body subject to the Freedom of Access Act be physically present in at least one public proceeding each year.
4. It requires that a state public body adopt its remote participation policy as a major substantive rule under the Maine Administrative Procedure Act.
5. It authorizes municipalities and counties to impose stricter requirements than are provided in this amendment and allows municipalities and counties to prohibit the use of remote participation by any public body under their jurisdictions. The stricter requirements or the prohibition must be imposed through the adoption of an ordinance by

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the municipality or the county.

6. It provides that an elected public body may adopt a remote participation policy only after the constituency of the elected public body has voted to authorize the body to adopt the policy.

7. It provides, in Parts A and B, that the exemptions for the seven entities whose statutes currently provide for remote participation expire on July 1, 2022. Those entities will need to adopt policies that comply with the law to continue any remote participation.

8. It amends, in Part C, the Freedom of Access Act to require the joint standing committee of the Legislature having jurisdiction over judiciary matters to conduct a review of any proposed statutory authorization of remote participation or change in accessibility with respect to public proceedings.

**LD 1833 An Act To Facilitate Compliance with Federal Immigration Law by
State and Local Government Entities**

**Accepted Majority
(ONTP) Report**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L MASON G	ONTP OTP-AM	

This bill establishes prohibitions concerning restricting the sharing and use of immigration and citizenship information. It prohibits restricting the enforcement of federal immigration law. It establishes a complaint process and a duty to report.

This bill also provides that if the Attorney General, upon investigation, determines that a government entity is violating these prohibitions, the Attorney General must issue an opinion stating that finding. The government entity has 30 days to appeal the finding to the Superior Court. If the Superior Court agrees with the Attorney General, the court must immediately enjoin the policy or practice. The government entity that continues the policy or practice is subject to a \$500 fine for each day the policy or practice remains in effect. If the Superior Court disagrees with the Attorney General, the Attorney General must immediately certify that the government entity is in compliance with the law.

See also LD 366 in the First Regular Session.

Committee Amendment "A" (H-723)

This amendment, which is the minority report of the committee, incorporates a fiscal note.

Senate Amendment "A" (S-461)

Under the bill, a government entity may not be limited or restricted from complying with an immigration detainer. This amendment limits that prohibition to immigration detainers that include written confirmation that the immigration detainer is based on probable cause.

This amendment was not adopted.

Joint Standing Committee on Judiciary

LD 1854 An Act To Create the Office of the Public Defender and Amend the Duties of the Maine Commission on Indigent Legal Services

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ESPLING E		

This bill was carried over from the Second Regular Session to the next special session by joint order S.P. 748. This bill was not referred to committee

This bill establishes a statewide public defender system. The purposes of this bill are to:

1. Provide effective assistance of counsel to indigent criminal defendants, juvenile defendants and children and parents in child protective cases in courts of this State;
2. Ensure that the system is free from undue political interference and conflicts of interest;
3. Provide for the delivery of public defender services by qualified and quality counsel in a manner that is fair and consistent throughout the State;
4. Establish a system that uses state employees, contracted services and other methods of providing services in a manner that is responsive to and respectful of regional and community needs and interests;
5. Ensure that adequate public funding of the statewide public defender system is provided and the system is managed in a fiscally responsible manner;
6. Ensure that a person using the services of a statewide public defender system pay reasonable costs for services provided by the system based on the person's financial ability to pay;
7. Increase the size of the Maine Commission on Indigent Legal Services from five to nine members and change the responsibilities of the commission; and
8. Establish the Chief Public Defender as the person who makes indigency determinations.

LD 1876 An Act Regarding Financial Orders Requested by the Attorney General

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FREY A HILL D	OTP-AM ONTP	H-763

This bill provides that, if the Governor disapproves or takes no action within 30 days of submission of a financial order request by the Attorney General regarding the compensation of staff attorneys, assistant attorneys general and the secretary to the Attorney General, the financial order is deemed approved as long as the positions are established and the compensations do not in the aggregate exceed the amount appropriated for the positions and do not result in an increased request to future Legislatures. It also provides that the Governor may not impose upon the Attorney General any precondition on the submission of a financial order request or the filling of any position that does not require a financial order.

Committee Amendment "A" (H-763)

Joint Standing Committee on Judiciary

This amendment is the majority report of the committee. It replaces the bill. It removes the current requirement that the Governor approve salaries set by the Attorney General for the Deputy Chief Medical Examiner, staff attorneys, assistant attorneys general and secretary to the Attorney General. Compensations continue to be limited by the total amount appropriated for those positions and cannot result in increases in requests in future budgets.

The amendment gives the Attorney General the same authority within the Office of the Attorney General to approve financial orders as the Chief Justice has within the judicial branch. The Attorney General must provide a copy of each approved financial order to the Department of Administrative and Financial Services, Bureau of the Budget and the Office of Fiscal and Program Review.

**LD 1884 An Act To Specify the Procedures Regarding the Court-ordered
Surrender of Dangerous Weapons**

Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DION M	OTP-AM	S-489
GIDEON S	OTP-AM	

This bill was reported out of committee during the Second Regular Session of the 128th Legislature. The bill was then carried over to the next special session by joint order S.P. 748.

This bill creates a community protection order through which a court may order a person to surrender that person's firearms temporarily for 21 days or on an extended basis for 180 days when it has been proved that the person poses a danger of causing personal injury to that person or another person. The bill provides that:

1. A law enforcement officer or a family or household member of a high risk individual may file a petition for a temporary community protection order, which expires in 21 days. A temporary community protection order may be issued on an ex parte basis. The court is required to hold a hearing to determine if the temporary community protection order should be extended for an additional 180 days;
2. A person who is the subject of a community protection order is required to surrender all firearms in the person's possession to a law enforcement officer. The firearms must be returned to the person at the expiration of the community protection order; and
3. A person who possesses firearms in violation of a community protection order commits a Class D crime. Part of the sentence must include a prohibition on possession of firearms for an additional two years.

Committee Amendment "A" (S-488)

This amendment, which is the majority report of the committee, replaces the bill. Part A of the amendment makes the following changes to the bill.

1. It limits the definition of "family or household member" to include only a former or current spouse or domestic partner of the subject of the petition, an individual who formerly was or currently is living with the subject of the petition as a spouse, the parent of a child of the subject of the petition and household members related by consanguinity or affinity to the subject of the petition.
2. It changes the definition of "high-risk individual" to remove references to mental illness.
3. It enumerates specific factors that a court must consider when deciding whether to issue a temporary or extended community protection order.
4. It reduces the duration of a temporary community protection order from 21 days to 14 days.

Joint Standing Committee on Judiciary

5. It removes the prohibition on ownership of a firearm by a restrained individual but continues to prohibit a restrained individual from having a firearm in the individual's custody or control or purchasing, possessing or receiving or attempting to purchase or receive a firearm.
6. It authorizes the court to issue a search warrant authorizing a law enforcement officer to seize any firearms that there is probable cause to believe the restrained individual possesses either concurrently with or subsequent to issuance of a temporary or extended community protection order.
7. It permits an individual restrained by an extended community protection order to submit one written request to dissolve the extended community protection order and requires law enforcement to update the Department of Public Safety database for protection orders when a community protection order is dissolved.
8. It requires, prior to the return of a firearm to an individual who was restrained by an expired or dissolved community protection order, that the law enforcement agency provide notice of the return of the firearm to the petitioner, if the petitioner is a family or household member of the restrained individual.
9. It requires law enforcement agencies to exercise reasonable care to avoid loss, damage or reduction in value of firearms surrendered by or seized from restrained individuals and provides that the Maine Tort Claims Act governs liability of law enforcement for damage to or reduction in value of such firearms.

Part B of the amendment authorizes a court to order a person admitted to a progressive treatment program not to possess firearms, muzzle-loading firearms, bows, crossbows or other specified dangerous weapons for the duration of the patient's court-ordered participation in the program. Possession of a firearm by a patient in violation of such an order is a Class D crime. A law enforcement officer to whom a patient surrenders a firearm must exercise reasonable care to avoid loss, damage or reduction in value of the surrendered firearm.

Part C provides funds to the Judicial Department for programming and related information technology costs for case management system changes necessary to implement the community protection order process.

Committee Amendment "B" (S-489)

This amendment, which is the minority report of the committee, strikes and replaces the bill. The amendment authorizes a court to order a person admitted to a progressive treatment program not to possess firearms, muzzle-loading firearms, bows, crossbows or other specified dangerous weapons for the duration of the patient's court-ordered participation in the program. Possession of a firearm by a patient in violation of such an order is a Class D crime. A law enforcement officer to whom a patient surrenders a firearm must exercise reasonable care to avoid loss, damage or reduction in value of the surrendered firearm.

The amendment also directs a court of this State that enters an order dissolving, terminating or vacating an order or any portion of an order that constitutes grounds to prohibit a person from possessing a firearm pursuant to the Maine Revised Statutes, Title 15, section 393 to promptly notify the Department of Public Safety, Bureau of State Police, State Bureau of Identification of this information. The State Bureau of Identification is required to then promptly notify the Federal Bureau of Investigation and request that the National Instant Criminal Background Check System be promptly updated to reflect the dissolution, termination, vacation or modification of the underlying order.

House Amendment "A" To Committee Amendment "A" (H-784)

This amendment requires any orders issued by a court pursuant to the requirements of this legislation to be forwarded on the same business day by e-mail to the Department of Public Safety for entry into the electronic records management system maintained by the department. This requirement expires once a case management system for the judicial branch is fully operational. This amendment also provides funding to the Department of Public Safety for this entry of the orders.

Joint Standing Committee on Judiciary

This amendment was not adopted.

Senate Amendment "A" To Committee Amendment "A" (S-498)

This amendment provides that a restrained individual is entitled to legal counsel and authorizes restrained individuals to request the court to appoint legal counsel. Upon a finding of indigency, the court must appoint legal counsel at public expense. It adds representation of restrained individuals to the purposes of the Maine Commission on Indigent Legal Services. It authorizes a restrained individual to move for dissolution of a temporary community protection order. It clarifies subsection headnotes. It adds an appropriations and allocations section.

This amendment was not adopted.

LD 1885	An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts	Died On Adjournment
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This bill was carried over from the Second Regular Session to the Second Special Session on the Special Appropriations Table by joint order S.P. 748.

This bill is reported out by the Joint Standing Committee on Judiciary to implement a recommendation in the report of the Task Force To Address the Opioid Crisis in the State. It provides additional funding for the Judicial Department to establish a new drug court in the State for up to 30 participants or to expand by up to 30 the number of participants served by existing drug courts in the State pursuant to the Maine Revised Statutes, Title 4, section 421. The bill also provides funding for the case management and ancillary services provided to drug court participants by the office of substance abuse and mental health services within the Department of Health and Human Services.

Public Law 2017, chapter 460, Part J provides the funding proposed by LD 1885.

LD 1889	Resolve, To Establish the Blue Ribbon Commission on Community Safety	Died On Adjournment
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<u>Sponsor(s)</u> MALABY R	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-776
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This bill was reported out by the committee as a resolve. It was carried over from the Second Regular Session to the Second Special Session on the Special Study Table by joint order S.P. 748.

Under current law, for the purpose of admission to a progressive treatment program a determination that a person poses a likelihood of serious harm takes into consideration the likelihood that a person's mental health will deteriorate and that the person will in the foreseeable future pose a likelihood of serious harm. This bill expands the definition of "likelihood of serious harm" to apply those same considerations for purposes other than admission to a progressive treatment program.

Committee Amendment "A" (H-776)

This amendment replaces the bill with a resolve that establishes the Blue Ribbon Commission on Community Safety

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.

Joint Standing Committee on Judiciary

SUBJECT INDEX

Abortion Issues

Not Enacted

LD 1763	An Act To Authorize Certain Health Care Professionals Who Are Not Physicians To Perform Abortions	Died On Adjournment
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Attorney General and Office of Chief Medical Examiner

Enacted

LD 1717	An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains	PUBLIC 335
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Not Enacted

LD 1876	An Act Regarding Financial Orders Requested by the Attorney General	Veto Sustained
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Child Abuse and Child Protection

Enacted

LD 1187	An Act To Amend the Child Protective Services Statutes	PUBLIC 411
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Constitutional Issues

Not Enacted

LD 197	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination	Died On Adjournment
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LD 1833	An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities	Majority (ONTP) Report
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LD 1884	An Act To Specify the Procedures Regarding the Court-ordered Surrender of Dangerous Weapons	Veto Sustained
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LD 1889	Resolve, To Establish the Blue Ribbon Commission on Community Safety	Died On Adjournment
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Courts and Court Procedure

Enacted

LD 1190	An Act Regarding Driver's License Suspensions for Non-driving-related Violations	PUBLIC 462
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LD 1678	An Act To Amend the Laws Affecting the Judicial Branch Regarding Railroad Trespass Civil Violations and Fines for Civil Violations	PUBLIC 329
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Not Enacted

LD 111	An Act To Establish an Additional Veterans Treatment Court	Died On Adjournment
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LD 283	An Act To Increase the Jurisdictional Limits for Small Claims	Died Between Houses
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LD 1885	An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts	Died On Adjournment
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Domestic Violence/Protection from Abuse

Enacted

LD 1788	An Act To Enhance Safety for Victims of Sexual Assault and Stalking and To Amend the Laws Governing Harassment and Protection from Abuse	PUBLIC 455
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Family Law, General

Enacted

LD 1670	An Act To Revise the Grandparents Visitation Act	PUBLIC 328
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Not Enacted

LD 170	An Act To Allow and Recognize a Legal Name Change upon Marriage	Veto Sustained
LD 1695	An Act To Clarify Educational Placement and Notification in Regard to Parental Rights and Responsibilities	Majority (ONTP) Report

Freedom of Access/Confidentiality/Privacy

Not Enacted

LD 1267	An Act To Protect Licensing Information of Medical Professionals	Veto Sustained
LD 1541	An Act To Protect Certain Administrative Licensing Files	ONTP
LD 1658	An Act To Make Criminal History Record Information Maintained in a Database Confidential	ONTP
LD 1821	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials	Died Between Houses
LD 1831	An Act Concerning Remote Participation in Public Proceedings	Majority (ONTP) Report
LD 1832	An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation	Majority (ONTP) Report

Legal Services

Enacted

LD 1812	Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services	RESOLVE 52 EMERGENCY
LD 1817	An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services	PUBLIC 430 EMERGENCY
LD 1897	An Act To Reinstate Certain Other Special Revenue Funds Allocations for the Maine Commission on Indigent Legal Services	PUBLIC 395

Not Enacted

LD 1854	An Act To Create the Office of the Public Defender and Amend the Duties of the Maine Commission on Indigent Legal Services	INDEF PP
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Not Enacted

LD 1793 An Act To Ensure Propane Delivery during Emergencies ONTP

Miscellaneous

Enacted

LD 1406 An Act To Promote Prescription Drug Price Transparency PUBLIC 406

Not Enacted

LD 821 An Act To Enact the Revised Uniform Unclaimed Property Act ONTP

LD 860 An Act To Establish a Statewide Electronic Warrant System ONTP

LD 1355 An Act To Ensure the Timely and Proper Completion of Residential Foreclosures ONTP

LD 1691 Resolve, Directing the Secretary of State To Study the Revised Uniform Law on Notarial Acts Died Between Houses

Probate Code and Trust Code

Enacted

LD 123 An Act To Recodify and Revise the Maine Probate Code PUBLIC 402

LD 846 An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act PUBLIC 359 EMERGENCY

LD 1827 An Act To Amend the Maine Uniform Trust Code Regarding Reporting by Trustees and the Duties of Trustees to Settlers PUBLIC 349

Not Enacted

LD 934 An Act To Establish an Expedited Temporary Guardianship Process ONTP

LD 969 An Act Regarding Nonprobate Transfers on Death ONTP

Statutes

Enacted

LD 1894 An Act To Correct Errors and Inconsistencies in the Laws of Maine PUBLIC 475 EMERGENCY

Torts and Immunity

Enacted

LD 1716 An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs PUBLIC 338