

STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2019

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STAFF:

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/legis/opla/>

Joint Standing Committee on Judiciary

LD 8 An Act To Allow and Recognize a Legal Name Change upon Marriage

PUBLIC 82

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM ONTP	H-97

This 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-97)

This amendment adds an appropriations and allocations section to authorize the one-time use of Other Special Revenue Funds to update the marriage license and marriage certificate forms in the online vital records ordering system used by the Department of Health and Human Services, Office of Data, Research and Vital Statistics. This amendment also adds a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 82, 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.

LD 9 An Act To Increase Juror Compensation

ONTP

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

This bill increases a juror's daily compensation rate from \$15 to \$40.

See also LD 279.

LD 60 An Act To Require the Disclosure of the Names of Members of a Limited Liability Company

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU R		

This bill requires the disclosure of the name of each member of a limited liability company formed in Maine to be included in the company's certificate of formation and the name of each member to be included in the company's annual report to the Secretary of State. The bill also requires the disclosure of the name of each member of a foreign limited liability company in the company's statement of foreign qualifications to conduct activities. The bill also requires that if any member of a limited liability company or foreign limited liability company is an organization, the names of each person who forms that organization's governing body be listed.

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**LD 82 An Act To Determine the Necessity for a Public Guardian or
Conservator Bond**

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement recommendations relating to the bond requirements for public guardians and conservators under the Maine Revised Statutes, Title 18-C, section 5-710. The recommendations must be based on a review of the bond requirements to determine whether the requirements should be changed.

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

**LD 89 An Act To Impose Requirements on the Rental of Residential Property
That Has Been Used in the Manufacture of Methamphetamine**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A WOODSOME D		

This bill requires that landlords and other persons entering into a lease or tenancy at will agreement for residential property ensure that property used in the manufacture of methamphetamine be decontaminated and tested in accordance with the standards established by the United States Environmental Protection Agency's March 2013 revised edition of the Voluntary Guidelines for Methamphetamine Laboratory Cleanup or other standards established in rule by the Department of Economic and Community Development. The bill also requires that landlords and other persons entering into a lease or tenancy at will agreement disclose to the potential tenant or lessee that a property has been used in the manufacture of methamphetamine. The bill makes violation of these provisions a civil violation, punishable by a fine of up to \$500, and also states that failure to decontaminate or disclose constitutes a breach of the implied warranty of fitness for human habitation. The bill gives the Department of Economic and Community Development authority to adopt rules to implement these provisions.

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

**LD 96 An Act To Require Disclosure at the Sale or Transfer whether
Methamphetamine Is Present or Has Been Removed from Real Estate**

PUBLIC 234

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MASTRACCIO A WOODSOME D	OTP-AM	H-386

This bill amends the law requiring disclosures by the seller of residential real property to require the seller to disclose whether the property has been used for the manufacture of methamphetamine.

Committee Amendment "A" (H-386)

The bill requires a seller of residential real property to disclose that the property has been used in the manufacture

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of methamphetamine. Current law requires the disclosure of the presence or prior removal of any hazardous materials. This amendment strikes and replaces the text of the bill to include methamphetamine as a specific hazardous material, the presence or prior removal of which must be disclosed by the seller of the residential real property.

Enacted Law Summary

Public Law 2019, chapter 234, includes methamphetamine as a specific hazardous material, the presence or prior removal of which must be disclosed by the seller of the residential real property. Current law requires the disclosure of the presence or prior removal of any hazardous materials.

LD 187 An Act To Restore the Laws Governing the Reunification of Parents and Children Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRAMLICH L GRATWICK G	ONTP OTP	

Recently enacted law eliminated language that established family rehabilitation and reunification as a priority under the Child and Family Services and Child Protection Act. This bill restores family rehabilitation and reunification as a priority under the laws governing child protective services.

LD 194 An Act To Allow the Reduction of a MaineCare Lien CARRIED OVER

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

Under current law, when MaineCare benefits are provided to an individual for the costs of injury, disability or other occurrence for which a third party is held liable, the Commissioner of Health and Human Services is entitled to recover the costs of MaineCare benefits, and the statutory lien may not be reduced to reflect an assessment of a pro rata share of the recipient's attorney's fees or litigation costs. This bill amends that provision of law to allow the statutory lien to be reduced.

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

LD 208 An Act Regarding Small Claims Court Jurisdiction ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRADSTREET D GUERIN S	ONTP	

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

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LD 214 An Act To Increase Funding for Civil Legal Services

PUBLIC 509

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B CARPENTER M	OTP-AM ONTP	H-316 S-370 BREEN C

This bill is a concept draft pursuant to Joint Rule 208. It proposes to increase funding for civil legal services.

Committee Amendment "A" (H-316)

This amendment, the majority report, replaces the bill. The amendment improves funding for civil legal services by providing an appropriation from the General Fund to be distributed through the existing procedures of the Civil Legal Services Fund Commission. The amendment clarifies the qualifications for providers to be eligible for funding.

Senate Amendment "A" To Committee Amendment "A" (S-370)

This amendment amends Committee Amendment "A" by replacing the \$5,000,000 General Fund appropriation in the committee amendment with Other Special Revenue Funds allocations of \$715,010 in fiscal year 2019-20 and \$953,346 in fiscal year 2020-21 as a result of increasing the percentage of judicial fees allocated to the Maine Civil Legal Services Fund and from revenues collected from a filing fee surcharge to be deposited in the Maine Civil Legal Services Fund.

Enacted Law Summary

Public Law 2019, chapter 509, provides Other Special Revenue Funds allocations of \$715,010 in fiscal year 2019-20 and \$953,346 in fiscal year 2020-21 as a result of increasing the percentage of judicial fees allocated to the Maine Civil Legal Services Fund and from revenues collected from a filing fee surcharge to be deposited in the Maine Civil Legal Services Fund.

LD 229 An Act To Increase the Safety of Home Buyers Concerning Chimney Inspections

PUBLIC 37

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STEARNS P	OTP-AM	H-44

This bill requires that, in conveyances of residential real property, if the chimneys and vents of the property have not been inspected, the seller's disclosure to the buyer must state that the seller is making no representation as to the inspection or safety of the chimneys or vents and any inspector commissioned by the buyer must provide the buyer with a report stating that the inspection does not include the condition or safety of chimneys or vents on the property.

Committee Amendment "A" (H-44)

This amendment replaces the bill to require that the residential real property disclosure include the date of the most recent inspection of the chimneys and vents for the system or source that is used to supply heat to the property. The amendment does not impose any inspection requirements.

Enacted Law Summary

Public Law 2019, chapter 37, requires that the residential real property disclosure include the date of the most recent inspection of the chimneys and vents for the system or source that is used to supply heat to the property.

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Chapter 37 does not impose any inspection requirements.

LD 250 An Act To Establish the Statute of Limitations in Product Liability Cases ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	ONTP	

This bill extends the statute of limitations for product liability actions from six to 15 years.

LD 251 An Act To Amend the Maine Condominium Act by Extending the Lien Period for Nonpayment of Assessments PUBLIC 3

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

This bill extends the lien period for nonpayment of assessments under the Maine Condominium Act from five years to six years.

Enacted Law Summary

Public Law 2019, chapter 3, extends the lien period for nonpayment of assessments under the Maine Condominium Act from five years to six years.

LD 279 An Act To Raise Juror Pay to \$50 per Day CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	OTP-AM	S-24
PERRY A	OTP-AM	

This bill increases a juror's daily compensation rate from \$15 to \$50.

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

Committee Amendment "A" (S-24)

This amendment, which is the majority report, adds an appropriation and allocations section and incorporates a fiscal note.

This amendment was adopted by the House and Senate before the bill was carried over on the Special Appropriations Table.

Committee Amendment "B" (S-25)

This amendment, which is the minority report, changes the increased juror compensation amount in the bill to \$25 per day. The amendment also adds an appropriations and allocations section.

This amendment was not adopted.

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LD 287 An Act To Impose on Mental Health Professionals a Duty To Warn and Protect

PUBLIC 317

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TEPLER D GRATWICK G	OTP-AM ONTP	H-450

This bill imposes on certain mental health professionals a duty to warn and protect if a patient or client is likely to engage in physical violence that poses a serious risk of harm to self or others or that constitutes a serious threat of substantial damage to real property. The duty to warn and protect applies to osteopathic physicians, physicians, psychologists, alcohol and drug counselors, social workers and counseling professionals.

Committee Amendment "A" (H-450)

This amendment, which is the majority report, clarifies the duty that the bill imposes on certain professionals to warn and protect if a patient or client is likely to engage in physical violence by limiting the duty to cases in which there is a belief that the patient is likely to pose a serious risk of harm to self or others. The bill includes a duty with regard to a serious threat of substantial damage to real property, which this amendment deletes.

This amendment also replaces the immunity language provided in the bill to make clear that there is no monetary liability and that the specific mental health professionals are not subject to a cause of action based on the disclosure of information to a third party in an effort to discharge the duty to warn or protect.

Enacted Law Summary

Public Law 2019, chapter 317, statutorily imposes a duty on certain professionals to warn and protect if a patient or client is likely to engage in physical violence that poses a serious risk of harm to self or others. Chapter 317 provides that there is no monetary liability and that the specific mental health professionals are not subject to a cause of action based on the disclosure of information to a third party in an effort to discharge the duty to warn or protect. The duty to warn and protect applies to osteopathic physicians, physicians, psychologists, alcohol and drug counselors, social workers and counseling professionals.

LD 302 An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J MIRAMANT D		

This bill amends the statutory provisions regarding criminal post-conviction review to allow the filing of a petition for post-conviction review claiming actual innocence at any time during the period of direct impediment, except that it may not be filed within one year of a judgment on a prior petition for post-conviction review on the same conviction. This bill requires that a petition for post-conviction review claiming actual innocence receive at least one evidentiary hearing in which the petitioner may submit new evidence and evidence submitted in prior proceedings on the same matter.

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

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LD 328 An Act To Institute Safe Children Court Team Programs

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C BELLOWS S	ONTP	

This bill authorizes the Judicial Department to establish safe children court team programs, modeled on the "Safe Babies Court Team" approach supported by the Quality Improvement Center for Research-based Infant-Toddler Court Teams funded by the United States Department of Health and Human Services, Administration for Children and Families, Children's Bureau. The purpose is to develop a community-based system to provide local systems and services for children and families that interact with the State's child protection system.

LD 357 An Act Regarding Court Facilities in York County

Died Between Houses

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

This bill resolves logistical issues created by the construction of a consolidated courthouse for York County in Biddeford. Earlier legislation that authorized construction of the courthouse did not factor in adequate space for the office of the district attorney, a required component of the judicial process. This bill provides for the construction of a building of sufficient size to accommodate the office of the district attorney to be connected to the new courthouse. This bill authorizes the issuance of up to \$6,000,000 in Maine Government Facilities Authority securities to construct the building, but the planning and design, a joint project by the judicial branch and York County, will be covered by the existing funding of the courthouse.

The goal of this bill is to make the new building as cost-neutral to the parties as possible. York County will pay the debt service on the bonds and pay annual rent for the land of \$1 until the debt service is fully paid, at which time the State will transfer the land and building to York County for \$1. In addition, the three district court buildings vacated when the new consolidated courthouse opens must be transferred at no cost to York County for its exclusive use.

Committee Amendment "A" (S-273)

This amendment is the minority report of the committee. It amends the bill to:

1. Require the architect and construction manager costs to be included as part of the cost of the design and construction of the new building to accommodate the office of the York County district attorney. The bill includes those costs as part of the new Biddeford courthouse construction costs; and
2. Remove the portion of the bill that transfers the three district courthouses to York County when they are vacated.

This amendment was not adopted.

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LD 384 Resolve, Directing the Secretary of State To Review the Revised Uniform Law on Notarial Acts

RESOLVE 11

<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 uniform legislation governing notarial practice and to submit a report including a recommendation regarding adoption of 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 130th Legislature.

Enacted Law Summary

Resolve 2019, chapter 11, directs the Secretary of State to review uniform legislation governing notarial practice and to submit a report including a recommendation regarding adoption of 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 130th Legislature.

LD 409 An Act To Allow Fair Access to Child Advocacy Center Records

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C BELLOWS S	ONTP	

This bill allows confidential information related to services provided by a child advocacy center established pursuant to the Maine Revised Statutes, Title 22, section 4019 to be disclosed to an attorney representing a person charged with committing a crime related to an allegation of child sexual abuse or other child abuse and neglect against a child who is the subject of confidential records and an attorney in a child protection proceeding representing a parent of a child who is the subject of confidential records.

LD 417 An Act To Allow an Attorney To Use a Photocopied Driver's License To Consummate a Financial Transaction

PUBLIC 183

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J CARPENTER M	OTP-AM	H-231

This bill allows an attorney to photocopy a driver's license for legal purposes without the permission of the Secretary of State.

Committee Amendment "A" (H-231)

This amendment is the majority report of the committee. This amendment replaces the bill and changes the title. Current law authorizes the photocopying of a driver's license solely for proof of identification for the consummation of a financial transaction. The amendment revises current law to provide that either the driver or the driver's attorney can consummate a financial transaction using the photocopied driver's license for identification.

Enacted Law Summary

Public Law 2019, chapter 183, provides that either the driver or the driver's attorney can consummate a financial

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transaction using the photocopied driver's license for identification.

LD 433 RESOLUTION, Proposing an Amendment to the Constitution of Maine CARRIED OVER
To Explicitly Prohibit Discrimination Based on the Sex of an Individual

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L MILLETT R	OTP-AM ONTP	H-230

This resolution proposes to amend the Constitution of Maine to prohibit the denial or abridgment by the State or any political subdivision of the State of equal rights based on the sex of an individual.

This resolution was reported out of committee and then carried over in the House to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

Committee Amendment "A" (H-230)

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

LD 471 An Act To Amend the Child and Family Services and Child Protection ONTP
Act To Require the Department of Health and Human Services To Make
Best Efforts To Prevent Removal of a Child from a Home

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HYMANSON P	ONTP	

This bill amends the Child and Family Services and Child Protection Act to require that best efforts, rather than reasonable efforts, be made by the Department of Health and Human Services to rehabilitate and reunify families as a means of protecting the welfare of children.

LD 475 An Act Concerning Caller Access to E-9-1-1 Call Recordings PUBLIC 84

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM	S-45

This bill allows disclosure of an audio recording of an E-9-1-1 call to the person who made the call or the person's attorney.

Committee Amendment "A" (S-45)

This amendment replaces the bill. It provides that, instead of requiring that the custodian of the recording of an E-9-1-1 call give a copy of the recording to the person who made the call as provided in the bill, a party to a protection from harassment or protection from abuse action to which the E-9-1-1 call is relevant may request that the recording be sent to the clerk's office of the court in which the action is pending. The court may then review the recording and determine whether the parties or their attorneys, if the parties are represented, should have access to or, for good cause shown, a copy of the recording.

When requesting a recording be sent to the clerk, the party making the request to the custodian is required to provide the names of the parties, the court that is presiding over the action and the docket number. The request

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must be made in writing, which may include e-mail. The request must be made so as to allow the custodian a reasonable amount of time to search for, retrieve and send the recording. The custodian must send the recording in the format that both the custodian and the courts use.

Enacted Law Summary

Public Law 2019, chapter 84 provides that a party to a protection from harassment or protection from abuse action to which the E-9-1-1 call is relevant may request that the recording be sent to the clerk's office of the court in which the action is pending. The court may then review the recording and determine whether the parties or their attorneys, if the parties are represented, should have access to or, for good cause shown, a copy of the recording.

When requesting a recording be sent to the clerk, the party making the request to the custodian is required to provide the names of the parties, the court that is presiding over the action and the docket number. The request must be made in writing, which may include e-mail. The request must be made so as to allow the custodian a reasonable amount of time to search for, retrieve and send the recording. The custodian must send the recording in the format that both the custodian and the courts use.

LD 479 An Act Concerning Spousal Support

PUBLIC 272

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T BAILEY D	OTP-AM	S-166

Under current law, the court may terminate spousal support when the payee and another person have entered into a relationship that is the functional equivalent of marriage for at least 12 months of a period of 18 consecutive months. This bill changes the time frame of cohabitation necessary for cessation of spousal support to five years over a period of seven consecutive years.

Committee Amendment "A" (S-166)

This amendment strikes the bill and amends the provision regarding modification of an order of spousal support by specifying that an award of spousal support issued on or after October 1, 2013, is subject to modification when there is a substantial change in financial circumstances and additionally, as required in current law, it appears that justice requires the modification. The amendment also repeals the Maine Revised Statutes, Title 19-A, section 951-A, subsection 12, because this amendment addresses the modification of spousal support including in cases of cohabitation.

Enacted Law Summary

Public Law 2019, chapter 272 repeals the specific provision in current law addressing termination of spousal support based on cohabitation and instead amends the provision regarding modification of an order of spousal support by specifying that an award of spousal support issued on or after October 1, 2013, is subject to modification when there is a substantial change in financial circumstances and additionally, as required in current law, it appears that justice requires the modification.

LD 488 An Act To Provide Campground Owners Immunity from Liability for the Inherent Risks of Camping

**Accepted Report A
(ONTP)**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J O'CONNOR B	ONTP OTP-AM OTP	

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This bill provides private campground owners immunity if camping participants or their guests are injured, killed or sustain property damage from the inherent risks of camping. The campground owner or operator is required to post a warning sign explaining that the camping participant assumes the inherent risks of camping.

Committee Amendment "A" (S-18)

This amendment, one of two minority reports, replaces "immunity" with "limited liability" to provide a clearer description of the law. It also provides that the limitation on a campground owner's or operator's liability does not apply unless notice of the assumption of risk of the inherent risks of camping is given. It changes the title of the bill to be consistent with these changes.

This amendment was not adopted.

LD 492 An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act

PUBLIC 214

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LIBBY N	OTP-AM ONTP	S-135

This bill extends from 180 days to one year the notice period required under the Maine Tort Claims Act.

Committee Amendment "A" (S-135)

This amendment, which is the majority report, adds an application section to provide that the longer notice period applies prospectively and only to causes of action that accrue on or after January 1, 2020.

Enacted Law Summary

Public Law 2019, chapter 214, extends from 180 days to one year the notice period required under the Maine Tort Claims Act. This change applies prospectively and only to causes of action that accrue on or after January 1, 2020.

LD 496 An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders

PUBLIC 359

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GUERIN S	OTP-AM	S-282

This bill expands the definition of "family or household member" in the laws governing protection from abuse in order to include, for purposes of a protection from abuse order, all related individuals regardless of whether the individuals are adult household members.

This bill also directs a court in which a protection from harassment or a protection from abuse complaint is filed to notify the plaintiff if appropriate or greater relief is available.

Committee Amendment "A" (S-282)

This amendment replaces the bill.

The amendment clarifies the bill's language regarding the court's discretion in a protection from harassment action to issue a protection from harassment order even if the notice to stop harassing the plaintiff was not issued to the defendant.

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

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

Enacted Law Summary

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

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

LD 506 An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters

PUBLIC 49

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

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

The bill is based on a similar Massachusetts law.

Committee Amendment "A" (H-34)

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

Enacted Law Summary

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

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

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

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

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

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

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

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

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

LD 540 An Act Regarding Qualifications for District Attorneys PUBLIC 85

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

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

Committee Amendment "A" (H-98)

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

Joint Standing Committee on Judiciary

Committee Amendment "B" (H-99)

This amendment, which is the minority report, requires a district attorney to be a "member in good standing of the bar of the State," which is consistent with the generally accepted standard of qualification of attorneys for positions. Language from the law governing qualifications for the Attorney General is added to the law governing qualifications for a district attorney to make these provisions consistent. Any suspension must have ended at least 10 years prior to the attorney's election or appointment as district attorney.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 85, requires a district attorney to be a "member in good standing of the bar of the State," which is consistent with the generally accepted standard of qualification of attorneys for positions. The new qualifications for a district attorney are consistent within those for the Attorney General. No waiting period is required after a suspension.

**LD 542 An Act To Allow a Person To Enter a Place of Public Accommodation
Accompanied by a Medically Necessary Assistance Animal That Is a Dog ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STANLEY S DILL J	ONTP	

This bill requires a place of public accommodation to allow the use of a dog that is an assistance animal by an individual with a physical or mental disability.

LD 545 An Act To Ban Child Marriage HELD BY GOVERNOR

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

Under current law, a marriage license may be issued to parties who are under 16 years of age with the written consent of their parents, guardians or legal custodians and the consent of the probate judge in the county where each minor resides. This bill amends the law to prohibit the issuance of a marriage license to a person under 16 years of age.

**LD 573 An Act To Extend Time Limits for Placing Land in Trust Status under
the Maine Indian Claims Settlement CARRIED OVER**

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

This bill extends all time limits for both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust lands under the Act to Implement the Maine Indian Claims Settlement to January 31, 2030.

Joint Standing Committee on Judiciary

Because this bill amends the Act to Implement the Maine Indian Claims Settlement, this bill does not take effect unless the Joint Tribal Council of the Passamaquoddy Tribe and the Tribal Chief and Council of the Penobscot Nation agree to these changes and certify their agreement to the Secretary of State within 60 days of the adjournment of the First Regular Session of the 129th Legislature.

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

LD 574 An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services PUBLIC 427

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP-AM ONTP	H-155

This bill includes in the definition of "indigent legal services" the filing, on behalf of an indigent party or defendant or a juvenile, of a petition for certiorari to the Supreme Court of the United States from an adverse decision of the Law Court on a case for which indigent legal services were provided. This bill also requires the Maine Commission on Indigent Legal Services to develop a procedure for approving requests by counsel for authorization to file a petition for certiorari. Compensation for the preparation and filing of the petition may not exceed \$1,500.

Committee Amendment "A" (H-155)

This amendment, which is the majority report, deletes the cap on compensation for a court-appointed attorney's work on filing a petition for certiorari to the Supreme Court of the United States. The amendment adds an appropriations and allocations section.

Enacted Law Summary

Public Law 2019, chapter 427, includes in the definition of "indigent legal services" the filing, on behalf of an indigent party or defendant or a juvenile, of a petition for certiorari to the Supreme Court of the United States from an adverse decision of the Law Court on a case for which indigent legal services were provided. Chapter 427 also requires the Maine Commission on Indigent Legal Services to develop a procedure for approving requests by counsel for authorization to file a petition for certiorari.

LD 588 An Act To Confer Maine Jurisdiction in Civil Suits Involving Certain Contracts Leave to Withdraw Pursuant to Joint Rule

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to allow a resident of this State or a corporation incorporated in this State that enters into a contract in this State for services or products to be provided exclusively in this State to bring suit or defend against suit in this State. It proposes to provide that contractual language that requires a resident of this State or a corporation incorporated in this State that has entered into a contract in this State for services or products to be provided exclusively in this State to submit to the jurisdiction of a court outside this State is void.

Joint Standing Committee on Judiciary

LD 595 An Act To Amend the Laws Governing the Unlawful Cutting of Trees

PUBLIC 195

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TIMBERLAKE J MORRIS J	OTP-AM	S-126

Current law governing the measurement of damages for trees that are unlawfully cut, damaged or destroyed allows an owner of property zoned for residential use to recover the costs of replacing, replanting or restoring any tree. This bill limits recovery of the costs of replacement to trees that are ornamental or fruit trees.

Committee Amendment "A" (S-126)

This amendment provides the option of increased damages equal to the damages available under current law in a residential zone when the trees are ornamental or fruit trees or when the trees are located within 400 feet of a dwelling. The court has discretion to reduce the damages awarded for good cause shown when the cutting of the trees was done negligently or without fault, which under current law is not applicable in residential zones.

Enacted Law Summary

Public Law 2019, chapter 195 provides the option of increased damages equal to the damages available under current law in a residential zone when the trees are ornamental or fruit trees or when the trees are located within 400 feet of a dwelling. Current law governing the measurement of damages for trees that are unlawfully cut, damaged or destroyed allows an owner of property zoned for residential use to recover the costs of replacing, replanting or restoring any tree. The court has discretion to reduce the damages awarded for good cause shown when the cutting of the trees was done negligently or without fault, which under current law is not applicable in residential zones.

LD 627 An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices

PUBLIC 489

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-634

This bill sets forth procedures to govern the installation and monitoring of tracking devices by law enforcement officers. It amends the definition of "portable electronic device" to clarify that the device is electric and defines "tracking device." The bill also establishes parallel terms and procedures in the laws governing portable electronic device content information, electronic device location information and tracking information, including parallel definitions of "adverse result" and "serious physical injury." It provides an exception to the requirement that notice be given to the owner or user if the government entity is unable to identify the owner or user.

Committee Amendment "A" (H-634)

This amendment clarifies the definition of "tracking device" to limit the definition to those devices the primary purpose of which is to track a person or object and to provide that the definition does not include the electronic devices covered by Title 16, chapter 3, subchapters 10 (content information) and 11 (location information).

This amendment makes consistent the definition of "adverse result," used when requesting that notice not be provided when a warrant is issued, to include "immediate danger of death or serious physical injury to any person" and "seriously jeopardizing an investigation" but not including "other significantly detrimental consequence." The definition is used in the new subchapter on tracking devices as well as the existing subchapters on access to content and location information of electronic devices and the warrant procedure requirements for content and location information.

Joint Standing Committee on Judiciary

The bill authorizes the court to issue a search warrant for the installation and monitoring of a tracking device and waive notice of the issuance of the warrant. This amendment directs the Right To Know Advisory Committee to review the law concerning the application for and issuance of search warrants authorizing the installation and monitoring of tracking devices, as well as obtaining content information and location information, and make recommendations concerning the public's right to know aggregate information about the warrants, including warrants in which the application for the warrant included a request for an order to waive notice of the issuance of the warrant. The Right To Know Advisory Committee is required to include in its report submitted by January 15, 2020, pursuant to Title 1, section 411, subsection 10, a summary of its review and any recommendations.

Enacted Law Summary

Public Law 2019, chapter 489, adds a new subchapter on obtaining search warrants for tracking devices and makes changes to the laws governing access to content of and location information pertaining to portable electronic devices, including cellular telephones.

Public Law 2019, chapter 489, clarifies the definition of "tracking device" to limit the definition to those devices the primary purpose of which is to track a person or object and to provide that the definition does not include the electronic devices covered by the Maine Revised Statutes, Title 16, chapter 3, subchapters 10 (content information) and 11 (location information).

Public Law 2019, chapter 489, makes consistent the definition of "adverse result," used when requesting that notice not be provided when a warrant is issued, to include "immediate danger of death or serious physical injury to any person" and "seriously jeopardizing an investigation" but not including "other significantly detrimental consequence." The definition is used in the new subchapter on tracking devices as well as the existing subchapters on access to content and location information of electronic devices and the warrant procedure requirements for content and location information.

Public Law 2019, chapter 489, authorizes the court to issue a search warrant for the installation and monitoring of a tracking device and waive notice of the issuance of the warrant. Chapter 489 directs the Right To Know Advisory Committee to review the law concerning the application for and issuance of search warrants authorizing the installation and monitoring of tracking devices, as well as obtaining content information and location information, and make recommendations concerning the public's right to know aggregate information about the warrants, including warrants in which the application for the warrant included a request for an order to waive notice of the issuance of the warrant. The Right To Know Advisory Committee is required to include in its report submitted by January 15, 2020, pursuant to Title 1, section 411, subsection 10, a summary of its review and any recommendations.

**LD 634 An Act Regarding Implementation of Differentiated Case Management
in the Judicial Branch**

**Leave to Withdraw
Pursuant to Joint
Rule**

Sponsor(s)

WARREN C

Committee Report

Amendments Adopted

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to establish guidelines for implementation of a differentiated case management system in the Judicial Department.

Joint Standing Committee on Judiciary

LD 639 An Act To Protect Student Privacy

CARRIED OVER

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

This bill provides that video and audio recordings made by security or surveillance cameras on school grounds or in school vehicles are not public records for purposes of the Freedom of Access Act.

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

LD 644 An Act To Improve Safety at State Courthouses

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOORE D DESCHAMBAULT S	ONTP	

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to provide funding to update screening equipment at courthouses located throughout the State and to replace outdated screening equipment that may be causing exposure to radiation. It proposes to establish a protocol for testing and repairing existing screening equipment. It also proposes to develop a long-range plan for testing and replacing screening equipment in a timely manner.

LD 657 An Act To Reorganize the Probate Courts

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. Maine voters amended the Constitution of Maine in 1967 and conditionally repealed the offices of Probate Judge and Register. The repeal is to become effective when the Legislature reforms the probate court system and provides it with full-time judges. While changes to the Probate Code since 1967 have made the system different, there have been a number of unsuccessful legislative efforts to address the need for full-time judges as envisioned by the constitutional amendment.

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

LD 666 An Act To Protect Pregnant Workers

PUBLIC 490

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A SANBORN H	OTP-AM ONTP	H-639

Joint Standing Committee on Judiciary

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

Committee Amendment "A" (H-639)

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

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

The amendment provides examples of reasonable accommodations.

Enacted Law Summary

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

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

LD 673	An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner	PUBLIC 87
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP ONTP	

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

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

Enacted Law Summary

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

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

Joint Standing Committee on Judiciary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Committee Amendment "A" (S-312)

Joint Standing Committee on Judiciary

This amendment is the majority report. It gives the court the discretion to award reasonable attorney's fees to be paid to the prevailing citizen or citizens if the citizen or citizens demonstrate that the violation was committed knowingly. The amendment also adds an appropriations and allocations section.

This amendment was adopted in the House and the Senate before the bill was carried over on the Special Appropriations Table.

LD 748 An Act To Provide Relief to Survivors of Economic Abuse

PUBLIC 407

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FAY J CARPENTER M	OTP-AM	H-585

This bill defines economic abuse in the context of protection from abuse and provides for the court to order compensation for losses resulting from the economic abuse. The bill also provides for an economic abuse survivor to be protected from debt collection and for the economic abuse survivor's credit to be repaired.

Committee Amendment "A" (H-585)

The bill adds remedies for economic abuse to the relief a court may include in a protection from abuse order. This amendment makes revisions to the bill ensuring that it does not conflict with the federal Fair Credit Reporting Act, including provisions concerning identity theft, as well as modifying the monetary relief generally available to the court to allow the court broader discretion in addressing economic abuse issues.

This amendment addresses concerns about preemption of state law by the federal Fair Credit Reporting Act and makes clear that a credit reporting agency's removal from a consumer's credit report of references to debt or any portion of a debt determined to be the result of economic abuse is not intended to conflict with federal law but complement the federal law and protect survivors of economic abuse when possible. The amendment requires the credit reporting agency to reinvestigate the debt, and if it is determined that the debt is the result of economic abuse, the credit reporting agency must remove reference to the debt, or any part determined to be the result of economic abuse, from the consumer's credit report.

The amendment clarifies the definition of "economic abuse" to include both unauthorized and coerced use of credit, recognizing that there are already remedies for the crime of identity theft. This amendment is not intended to address identity theft, which is covered by the federal Fair Credit Reporting Act in 15 United States Code, Section 1681c-2. Instead, the amendment includes, but is not limited to, the exploitative use of joint credit accounts without authorization by both joint owners and debt incurred through coercion.

The amendment adds language to the Protection from Abuse laws to ensure that it is clear that the abuse for which a plaintiff may seek the issuance of a protection from abuse order is what is defined as abuse in Title 19-A, section 4002, subsection 1. The bill does not add economic abuse as a type of conduct for which a protection from abuse order may be sought, although it does provide that if a protection from abuse order is issued, the court has expanded discretion to order appropriate monetary relief to help address the impact of any economic abuse that may be found by the court. The amendment makes clear that the court may make a finding of economic abuse.

The amendment strikes from the bill language specific to economic abuse relief that may be included in a protection from abuse order and instead amends the current law concerning monetary compensation. The amendment broadens the available relief by changing the monetary compensation in current law to monetary relief to the plaintiff that includes, but is not limited to, the existing types of relief and adds transitional living expenses, which are often necessary for plaintiffs who have suffered economic abuse. It also provides that the monetary relief component of a protection from abuse order does not limit the court's discretion to provide any other relief in a protection from abuse order, either as the statute specifically enumerates or as the court may find necessary and

Joint Standing Committee on Judiciary

appropriate to issue as part of the proceeding under its discretion in section 4007, subsection 1, paragraph M, and does not preclude the plaintiff from seeking monetary relief through other actions as permissible by law.

Enacted Law Summary

Public Law 2019, chapter 407, defines economic abuse in the context of protection from abuse and provides for the court to order monetary relief for losses resulting from the economic abuse. It also provides for an economic abuse survivor to be protected from debt collection and for the economic abuse survivor's credit to be repaired.

Public Law 2019, chapter 407, addresses concerns about preemption of state law by the federal Fair Credit Reporting Act and makes clear that a credit reporting agency's removal from a consumer's credit report of references to debt or any portion of a debt determined to be the result of economic abuse is not intended to conflict with federal law but complement the federal law and protect survivors of economic abuse when possible. It requires the credit reporting agency to reinvestigate the debt, and if it is determined that the debt is the result of economic abuse, the credit reporting agency must remove reference to the debt, or any part determined to be the result of economic abuse, from the consumer's credit report.

Public Law 2019, chapter 407, clarifies the definition of "economic abuse" to include both unauthorized and coerced use of credit, recognizing that there are already remedies for the crime of identity theft. It is not intended to address identity theft, which is covered by the federal Fair Credit Reporting Act in 15 United States Code, Section 1681c-2. Instead, chapter 407 includes, but is not limited to, the exploitative use of joint credit accounts without authorization by both joint owners and debt incurred through coercion.

Public Law 2019, chapter 407 adds language to the Protection from Abuse Laws to ensure that it is clear that the abuse for which a plaintiff may seek the issuance of a protection from abuse order is what is defined as abuse in Title 19-A, section 4002, subsection 1. It does not add economic abuse as a type of conduct for which a protection from abuse order may be sought, although it does provide that if a protection from abuse order is issued, the court has expanded discretion to order appropriate monetary relief to help address the impact of any economic abuse that may be found by the court. Chapter 407 makes clear that the court may make a finding of economic abuse.

Public Law 2019, chapter 407 amends the current law concerning monetary compensation to broaden the available relief by changing the monetary compensation in current law to monetary relief to the plaintiff that includes, but is not limited to, the existing types of relief and adds transitional living expenses, which are often necessary for plaintiffs who have suffered economic abuse. It also provides that the monetary relief component of a protection from abuse order does not limit the court's discretion to provide any other relief in a protection from abuse order, either as the statute specifically enumerates or as the court may find necessary and appropriate to issue as part of the proceeding under its discretion in section 4007, subsection 1, paragraph M, and does not preclude the plaintiff from seeking monetary relief through other actions as permissible by law.

LD 759 An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M	OTP-AM ONTP	H-573

This bill provides funding for two Paralegal positions and one Consumer Outreach position within the Maine Human Rights Commission and requires that the commission purchase a computer system. It also includes a \$10,000 appropriation for the initial step in evaluating the commission's computer system needs.

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

Joint Standing Committee on Judiciary

Committee Amendment "A" (H-573)

This amendment, which is the majority report, incorporates a fiscal note.

This amendment was adopted in the House and Senate before the bill was carried over on the Special Appropriations Table.

LD 764 Resolve, To Create the Criminal Records Review Committee

**RESOLVE 90
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM	H-614

This bill amends the Criminal History Record Information Act in the following ways:

1. Makes confidential all juvenile adjudications and related records after three years from the date of disposition;
2. Except for crimes involving sexual assault, sexual exploitation of minors and domestic violence, makes confidential all convictions and related records for Class E and Class D crimes after three years from the date of imposition of sentence;
3. Makes confidential all convictions and related records for Class E and Class D crimes involving sexual assault, sexual exploitation of minors and domestic violence after seven years from the date of imposition of sentence;
4. Makes confidential all convictions and related records for Class C, Class B and Class A crimes that are based solely on the defendant's convictions for prior Class E and Class D crimes; and
5. Limits the dissemination of confidential criminal history record information to criminal justice agencies for the purpose of the administration of criminal justice and criminal justice agency employment and pursuant to court order.

Committee Amendment "A" (H-614)

This amendment strikes the bill and replaces it with a resolve that establishes the Criminal Records Review Committee, consisting of 15 members, including a member representing the judicial branch if one is designated by the Chief Justice of the Supreme Judicial Court.

The review committee is directed to look at all issues concerning limiting public availability of criminal records and to provide recommendations to the Joint Standing Committee on Judiciary by December 4, 2019. The review committee's funding must come from outside sources. The amendment also adds an appropriations and allocations section.

Enacted Law Summary

Resolve 2019, chapter 90, establishes the Criminal Records Review Committee, consisting of 15 members, including a member representing the judicial branch if one is designated by the Chief Justice of the Supreme Judicial Court.

The review committee is directed to look at all issues concerning limiting public availability of criminal records and to provide recommendations to the Joint Standing Committee on Judiciary by December 4, 2019. The review committee's funding must come from outside sources.

Resolve 2019, chapter 90, was finally passed as an emergency measure effective June 20, 2019.

Joint Standing Committee on Judiciary

LD 766 An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R CARPENTER M	OTP-AM OTP-AM	H-648 H-655 TALBOT ROSS R

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Transferring jurisdiction over violations of a tribal ordinance from the State to the Passamaquoddy Tribe and the Penobscot Nation over a person who is not a member of either tribe or nation in accord with and to the extent authorized by federal law;
2. Increasing the level of certain criminal offenses from a maximum period of imprisonment of one year and a maximum amount of \$5,000 to a maximum period of imprisonment of three years and a maximum amount of \$15,000 over which the Penobscot Nation has the right to exercise exclusive jurisdiction as authorized by the federal Tribal Law and Order Act of 2010; and
3. Clarifying that the Penobscot Nation has concurrent jurisdiction with the State over criminal offenses as authorized by the federal Violence Against Women Reauthorization Act of 2013.

Committee Amendment "A" (H-648)

This amendment, which is the majority report, provides authority for the Passamaquoddy Tribe and the Penobscot Nation to extend the jurisdiction of their respective tribal courts over certain criminal offenses committed by an individual, regardless of whether the individual is a member of a federally recognized Indian tribe. The criminal offenses are domestic violence offenses in the Maine Criminal Code and criminal violation of a protection from abuse order. The criminal offenses are Class D crimes, and the tribe's and nation's jurisdictions are concurrent with the State's jurisdiction for the crimes.

The Joint Standing Committee on Judiciary has authority to report out legislation to the Second Regular Session of the 129th Legislature concerning the extension of tribal court jurisdiction to felony domestic violence offenses consistent with the federal Violence Against Women Reauthorization Act of 2013 and the Tribal Law and Order Act of 2010.

The tribal courts are required to participate in uniform crime reporting by reporting certain information to the Department of Public Safety, State Bureau of Identification, and the bureau will share its annual reports with tribal law enforcement agencies.

The changes to the Act To Implement the Maine Indian Claims Settlement included in the bill and this amendment do not take effect unless the tribes affected approve of the changes and certify their approval.

Committee Amendment "B" (H-649)

This amendment is the minority report. It differs from the majority by sunseting the expanded tribal court jurisdiction January 1, 2026.

This amendment was not adopted.

House Amendment "A" To Committee Amendment "A" (H-655)

Joint Standing Committee on Judiciary

This amendment clarifies that application of the expanded jurisdiction does not include domestic violence crimes committed against nontribal members or property crimes committed against nontribal members.

LD 776 An Act Regarding Post-judgment Motion by a Person Seeking To Satisfy CARRIED OVER
the Prerequisites for Obtaining Special Restrictions on the
Dissemination and Use of Criminal History Record Information for
Certain Criminal Convictions

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

This bill amends the law concerning a post-judgment motion by a person seeking to satisfy the prerequisites for obtaining special restrictions on the dissemination and use of criminal history record information for certain criminal convictions as follows.

1. Current law makes convictions of only certain Class E crimes eligible for special restrictions on dissemination and use of criminal history record information. This bill expands eligibility to include convictions of both certain Class E crimes and certain Class D crimes.
2. Current law allows eligibility for restrictions on dissemination and use of criminal history record information only for persons who at the time of the commission of the crime were 18 to 20 years of age. This bill expands eligibility to a person who at the time of the commission of the crime was 18 to 25 years of age.
3. This bill removes the provision repealing the current law October 1, 2019.

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

LD 781 An Act To Increase Judicial Compensation ONTP

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to increase judicial compensation.

LD 787 An Act To Support Victims of Child Sexual Abuse Leave to Withdraw
Pursuant to Joint
Rule

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

This bill provides for the admissibility in a criminal trial of a recording of a statement of a child under 16 years of age who is a victim of sexual abuse if certain requirements are met, including that the court is satisfied that the

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statement possesses particularized guarantees of trustworthiness. The child must be available at the trial and be available for cross-examination, unless the court finds certain grounds exist to determine that the child is unavailable to testify. The person who interviewed the child for the recording must be available at trial.

LD 793 An Act To Improve Accountability of Opioid Manufacturers

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MADIGAN C	OTP-AM ONTP	S-320 S-321 JACKSON T

This bill prohibits opioid medication manufacturers and distributors from falsely advertising that an opioid medication does not have abuse liability or has a lower abuse liability than another opioid medication; distributing a quantity of opioid medications that is not medically reasonable; or failing to report orders that are not medically reasonable. It establishes a civil violation and authorizes the Attorney General to investigate violations. It creates a fund into which the penalties and fees must be paid. This legislation applies retroactively to January 1, 1985.

Committee Amendment "A" (S-320)

This amendment is the majority report of the committee. This amendment replaces the bill.

The amendment raises the annual fee for a manufacturer of opioid medication to \$55,000. The amendment establishes a registration fee due from manufacturers of opioid medications of \$250,000 if the manufacturer sells, delivers or distributes 2,000,000 or more units of an opioid medication within this State, not including units that are prescribed for the purpose of medication-assisted treatment of substance use disorder. The fees are deposited into the Opioid Use Disorder Prevention and Treatment Fund, which is established to provide opioid use disorder prevention and treatment services and administered by the Department of Health and Human Services.

The amendment also requires manufacturers and wholesale distributors of opioid medications to provide to the State the same information as provided to the United States Drug Enforcement Administration under its Automation of Reports and Consolidated Orders System regarding controlled substances transactions in this State on the same schedule that information is provided to the Federal Government.

The amendment requires the Maine Board of Pharmacy to evaluate and report whether the fees have affected the prescribing practices for opioid medications by reducing the number of opioid medication prescriptions issued during calendar years 2020, 2021 and 2022 or whether the fees have created any unintended consequences in the availability of opioid medications for the treatment of chronic or intractable pain, to the extent the board has the ability to identify a correlation. The board shall provide the report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which may report out legislation based upon the report. The reports must be submitted annually by March 1st.

Senate Amendment "A" To Committee Amendment "A" (S-321)

This amendment exempts from the opioid medication fee a manufacturer of opioid medications exclusively for use in veterinary medicine.

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LD 800 An Act To Amend Mandatory Law Enforcement Agency Policies PUBLIC 466
Regarding Recording Suspects To Include Cases of Murder and Class A,
Class B and Class C Crimes

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP-AM ONTP	H-572

Current law requires that law enforcement agencies only adopt written policies for the recording of interviews of suspects of serious crimes. This bill requires law enforcement officers to record interviews of suspects in custody or otherwise deprived of freedom of action in any significant way whenever feasible and always where questioning occurs at a place of detention.

Committee Amendment "A" (H-572)

This amendment, which is the majority report, strikes and replaces the title and the bill. The amendment amends the mandatory policies for law enforcement agencies, which are set by the Board of Trustees of the Maine Criminal Justice Academy, regarding digital, electronic, audio, video or other recording of law enforcement interviews of suspects to specifically include all suspects of murder and Class A, Class B and Class C crimes, instead of suspects in "serious crimes."

Enacted Law Summary

Public Law 2019, chapter 466, amends the mandatory policies for law enforcement agencies, which are set by the Board of Trustees of the Maine Criminal Justice Academy, regarding digital, electronic, audio, video or other recording of law enforcement interviews of suspects to specifically include all suspects of murder and Class A, Class B and Class C crimes, instead of suspects in "serious crimes."

LD 801 An Act Regarding Recording of Witness Interviews Veto Sustained

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP ONTP	

Current law requires that law enforcement agencies adopt written policies for the recording of interviews of only suspects in serious crimes. This bill extends that requirement to include recording of interviews of witnesses.

LD 831 An Act Concerning Visitation Rights of Great-grandparents PUBLIC 197

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CUDDY S	OTP-AM	H-315

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact measures to ensure rights of visitation and contact with a minor child for the child's grandparents and great-grandparents when the child's parents divorce.

Committee Amendment "A" (H-315)

This amendment strikes the bill, which is a concept draft, and replaces the title accordingly. It amends the

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

Enacted Law Summary

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

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

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

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

Committee Amendment "A" (H-314)

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

Enacted Law Summary

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

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

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

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

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

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

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

Committee Amendment "A" (H-640)

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

Enacted Law Summary

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

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

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

Committee Amendment "A" (H-269)

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

Enacted Law Summary

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

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the exceptions to the definition of public record in the Freedom of Access Act.

LD 870 An Act To Change the Membership of the Maine Commission on Domestic and Sexual Abuse To Include More Tribal Members

PUBLIC 188

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H CLAXTON N	OTP	

This bill changes the membership of the Maine Commission on Domestic and Sexual Abuse by:

1. Reducing the representation of the statewide coalition of domestic violence projects from two members to one member;
2. Reducing the representation of the statewide coalition of sexual assault centers from two members to one member;
3. Allowing the member who is a chief of a municipal police department to appoint a designee to serve on the commission;
4. Allowing the member who is a county sheriff to appoint a designee to serve on the commission;
5. Correcting the description of a member from the statewide coordinator of a statewide coalition to end domestic violence to the executive director of a statewide coalition to end domestic violence;
6. Reducing the number of at-large members from six to four; and
7. Adding four new members, all of whom are appointed by the Governor, one of whom is an executive director of a tribal coalition against sexual assault and domestic violence, one of whom is chief of a tribal police department or the chief's designee, one of whom is a representative of a tribal court and one of whom is a representative of tribal government.

Enacted Law Summary

Public Law 2019, chapter 188 changes the membership of the Maine Commission on Domestic and Sexual Abuse by:

1. Reducing the representation of the statewide coalition of domestic violence projects from two members to one member;
2. Reducing the representation of the statewide coalition of sexual assault centers from two members to one member;
3. Allowing the member who is a chief of a municipal police department to appoint a designee to serve on the commission;
4. Allowing the member who is a county sheriff to appoint a designee to serve on the commission;
5. Correcting the description of a member from the statewide coordinator of a statewide coalition to end domestic violence to the executive director of a statewide coalition to end domestic violence;
6. Reducing the number of at-large members from six to four; and
7. Adding four new members, all of whom are appointed by the Governor, one of whom is an executive director of

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a tribal coalition against sexual assault and domestic violence, one of whom is chief of a tribal police department or the chief's designee, one of whom is a representative of a tribal court and one of whom is a representative of tribal government.

**LD 894 An Act To Expressly Allow Nonprofit Corporations To Conduct
Electronic Voting**

PUBLIC 200

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G PICKETT R	OTP	

This bill specifically permits a nonprofit corporation to authorize in its bylaws the conduct of elections or voting, or both, through electronic transmission.

Enacted Law Summary

Public Law 2019, chapter 200, specifically permits a nonprofit corporation to authorize in its bylaws the conduct of elections or voting, or both, through electronic transmission.

**LD 907 An Act To Ensure That Defendants in Foreclosure Proceedings Receive
Proper Notification**

PUBLIC 361

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M	OTP-AM	H-543

This bill requires a mortgagee to send a mortgagor in a foreclosure action the right to cure notice by both certified mail, return receipt requested, and ordinary mail.

The time the notice is given to the mortgagor or cosigner is the sooner of:

1. The date the mortgagor or cosigner signs the receipt or, if the notice is undeliverable, the date the post office last attempts to deliver it, under the Maine Revised Statutes, Title 14, section 6111, subsection 3, paragraph A; and
2. The date the mortgagor or cosigner receives the notice under Title 14, section 6111, subsection 3, paragraph B. A post office department certificate of mailing to the mortgagor or cosigner is conclusive proof of receipt on the 7th calendar day after mailing when notice is provided under Title 14, section 6111, subsection 3, paragraph B.

Committee Amendment "A" (H-543)

This amendment restructures the subsection governing notice by a mortgagee to clarify that the date of notice is the date of the delivery or attempted delivery of the notice by certified mail or the date of receipt by ordinary first-class mail, whichever is sooner.

Enacted Law Summary

Public Law 2019, chapter 361, requires a mortgagee to send a mortgagor in a foreclosure action the right to cure notice by both certified mail, return receipt requested, and ordinary mail.

The time the notice is given to the mortgagor or cosigner is the date of the delivery or attempted delivery of the notice by certified mail or the date of receipt by ordinary first-class mail, whichever is sooner.

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LD 916 An Act To Improve the Child Protective Court System

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BELLOWS S HARNETT T	ONTP	

This bill is a concept draft pursuant to Joint Rule 208.

This bill would establish a process within the court system to ensure, to the greatest extent possible, that child protective cases involving the same child are assigned to and heard by the same judge throughout the entire process while the child is a minor.

LD 954 An Act To Rescind An Act To Implement the Maine Indian Claims Settlement

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B JACKSON T		

This bill repeals An Act to Implement the Maine Indian Claims Settlement. The repeal does not take effect unless approved by the Houlton Band Council of the Houlton Band of Maliseet Indians, the Tribal Chief and the Council of the Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe within 90 days after the adjournment of the First Regular Session of the 129th Legislature.

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

LD 978 An Act To Clarify Maine's Protection from Abuse Statutes

PUBLIC 176

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

This bill clarifies that when a court directs a defendant in a protection from abuse case to refrain from having any direct or indirect contact with the plaintiff, this includes direct or indirect contact via social media, consistent with the ruling of the Maine Supreme Judicial Court in *State v. Heffron*, 2018 ME 102, 190 A.3d 232.

Enacted Law Summary

Public Law 2019, chapter 176, clarifies that when a court directs a defendant in a protection from abuse case to refrain from having any direct or indirect contact with the plaintiff, this includes direct or indirect contact via social media, consistent with the ruling of the Maine Supreme Judicial Court in *State v. Heffron*, 2018 ME 102, 190 A.3d 232.

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LD 1045 An Act Regarding Bad Faith Assertions of Patent Infringement

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAUGHTRY M MILLETT R	ONTP	

Current law prohibits a person from making a bad faith assertion of patent infringement against another person. A person who does make a bad faith assertion may have to pay remedies awarded by the court, including equitable relief, damages, costs and fees and punitive damages; however, the law exempts persons seeking relief pursuant to 35 United States Code, Section 271(e)(2) or 42 United States Code, Section 262 from the law prohibiting bad faith assertions of patent infringement, which may include businesses such as pharmaceutical companies. This bill removes the exemption.

LD 1053 An Act To Reduce the Period of Enforcement for Judgments Based upon Consumer Obligations

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J BELLOWS S		

Current law provides that a judgment or decree of a court of record of the United States or of any state is presumed to be paid and satisfied at the end of 20 years after any duty or obligations accrued by virtue of such judgment or decree. This bill provides an exception to this law for a judgment or decree based upon a consumer obligation, which is irrebuttably presumed to be paid and satisfied at the end of one year after any duty or obligation accrued by virtue of the judgment or decree unless within that period the judgment creditor has commenced other action as permitted by law for the enforcement of the judgment or decree.

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

LD 1057 An Act To Streamline the Eviction Process

Died Between Houses

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WADSWORTH N	OTP ONTP	

Current law requires that a sheriff or constable serving a writ of possession in an eviction must make three good faith efforts on three different days to serve the defendant in person before the writ of possession may be left at the defendant's home and a notice mailed. This bill reduces the number of efforts required to two.

LD 1061 An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J DESCHAMBAULT S		

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This bill creates the Unjustly Incarcerated Persons Compensation Fund and establishes compensation amounts and a process for the application for and determination of compensation. The bill establishes compensation of \$25,000 per year of unjust incarceration and \$10,000 for each year that the person eligible for compensation was required to register as a sex offender.

The bill provides for compensation payments to be made in a lump sum, and only in a lump sum in the case of a deceased person, or as an annuity.

A person is eligible to seek compensation if the person has served in whole or in part a sentence of imprisonment under the laws of this State and the person has:

1. Received a full and free pardon on the basis of innocence for the crime for which the person was sentenced;
2. Has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or
3. Has been granted relief in accordance with a writ of habeas corpus and the court in which the person was convicted has entered an order dismissing the charge. The court's dismissal order must be based on a motion to dismiss in which the district attorney or the Attorney General states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the district attorney or the Attorney General states that the district attorney or Attorney General believes that the defendant is actually innocent of the crime for which the person was sentenced.

The bill repeals the existing law providing a maximum payment of \$300,000 for wrongful imprisonment that is based on a pardon granted on the basis of innocence.

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

LD 1067 An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of The Sixth Amendment Center regarding the delivery of indigent legal services in Maine.

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

LD 1073 Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M DOW D	ONTP OTP-AM	H-475

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This resolve establishes an intensive drug treatment court two-year pilot project in the midcoast area of the State to be operational no later than November 1, 2019. The pilot project will serve ten participants who meet the requirements for participation in drug court programs. The support services provided by the Department of Health and Human Services under the pilot project are more intensive than those provided to current participants in drug court programs. The department is required to provide an interim report on implementation and a final report that includes the results of an independent evaluation of the project.

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

Committee Amendment "A" (H-475)

This amendment, which is the minority report, revises the number of participants in the pilot project from ten to 25. The amendment also replaces the appropriations and allocations section.

This amendment was adopted in the House and Senate before the bill was carried over on the Special Appropriations Table.

LD 1091 An Act Regarding the Personal Liability of Government Employees

ONTP

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

Current law provides that the personal liability of an employee of a governmental entity for negligent acts or omissions within the course and scope of employment is subject to a limit of \$10,000. This bill provides an exception to this limit for an employee who is covered by liability insurance covering the negligent acts or omissions, in which case the limit is equal to the limits of the policy.

LD 1097 An Act To Protect Tenants from Sexual Harassment

PUBLIC 351

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	S-165

This bill creates a rebuttable presumption that a forcible entry and detainer action was commenced in retaliation against a tenant if the tenant had made a complaint of an act of sexual harassment by the landlord or landlord's agent. The bill defines "sexual harassment."

Committee Amendment "A" (S-165)

This amendment is the majority report of the committee.

The bill addresses sexual harassment with regard to tenants in residential property. This amendment clearly states a landlord or a landlord's agent may not subject a tenant to sexual harassment. It retains the provision that nothing in the subchapter limits the application of the Maine Human Rights Act, which addresses discrimination in housing.

The amendment revises the definition of "sexual harassment" to include retaliation for communicating about or filing a complaint of sexual harassment.

The amendment replaces the rebuttable presumption that a forcible entry and detainer action was commenced in

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retaliation against a tenant with additional options for the tenant: the tenant raises the rebuttable presumption of retaliation by having communicated to the landlord or the landlord's agent about an act of sexual harassment or filed a complaint with a law enforcement agency, the Maine Human Rights Commission or a court of an act of sexual harassment by the landlord or the landlord's agent against the tenant or a family or household member of the tenant. The tenant must have made the communication, which does not have to be in writing, or complaint prior to receiving the eviction notice. This is consistent with current law that creates a rebuttable presumption based on the tenant's filing a fair housing complaint prior to receiving an eviction notice.

In addition, the amendment provides that the defense of retaliation cannot be used in an eviction if the action is brought because the tenant violated a lease provision or for any reason that is listed in the Maine Revised Statutes, Title 14, section 6002, subsection 1 as grounds for an eviction with seven days' written notice. Thus, if the landlord commences an eviction based on nonpayment of rent, for example, the fact that the tenant had communicated about sexual harassment or filed a complaint of sexual harassment does not create a presumption that the eviction is in retaliation for the assertion of that right.

The amendment also provides a tenant who is the victim of sexual harassment by the landlord or the landlord's agent with the opportunity to terminate the lease early, using the same process currently in law for a victim of domestic violence, sexual assault or stalking, by providing specified written documentation with appropriate notice.

Enacted Law Summary

Public Law 2019, chapter 351, addresses sexual harassment with regard to tenants in residential property. It clearly states a landlord or a landlord's agent may not subject a tenant to sexual harassment. It provides that nothing in the subchapter limits the application of the Maine Human Rights Act, which addresses discrimination in housing.

Public Law 2019, chapter 351 defines "sexual harassment" to include retaliation for communicating about or filing a complaint of sexual harassment.

Public Law 2019, chapter 351 provides that when a tenant is subject to sexual harassment by the landlord or the landlord's agent, the tenant may raise the rebuttable presumption of retaliation by having communicated to the landlord or the landlord's agent about an act of sexual harassment or filed a complaint with a law enforcement agency, the Maine Human Rights Commission or a court of an act of sexual harassment by the landlord or the landlord's agent against the tenant or a family or household member of the tenant. The tenant must have made the communication, which does not have to be in writing, or complaint prior to receiving the eviction notice. This is consistent with current law that creates a rebuttable presumption based on the tenant's filing a fair housing complaint prior to receiving an eviction notice.

Public Law 2019, chapter 351 provides that the defense of retaliation cannot be used in an eviction if the action is brought because the tenant violated a lease provision or for any reason that is listed in the Maine Revised Statutes, Title 14, section 6002, subsection 1 as grounds for an eviction with seven days' written notice. Thus, if the landlord commences an eviction based on nonpayment of rent, for example, the fact that the tenant had communicated about sexual harassment or filed a complaint of sexual harassment does not create a presumption that the eviction is in retaliation for the assertion of that right.

Public Law 2019, chapter 351, also provides a tenant who is the victim of sexual harassment by the landlord or the landlord's agent with the opportunity to terminate the lease early, using the same process currently in law for a victim of domestic violence, sexual assault or stalking, by providing specified written documentation with appropriate notice.

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LD 1100 An Act To Clarify the Contents of the Complete Agency Record in the Appeal of an Agency's Failure or Refusal To Act

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM	S-50

This bill permits a petitioner under the Maine Administrative Procedure Act to conduct discovery if any agency fails or refuses to act or there are alleged irregularities that are not adequately revealed in the record of a proceeding.

Committee Amendment "A" (S-50)

This amendment replaces the bill to clarify what must be included in the complete agency record when the failure or refusal of the agency to act is alleged in a petition filed in Superior Court for the review of final agency action under the Maine Administrative Procedure Act. The amendment explicitly requires the agency to include in the record filed in response to the petition all communications, whether written, electronic or memorialized in any other way, of all decisions by the agency to act, to refuse to act or to delay action. The record must also include all directives, orders and other documentation of those agency decisions.

Enacted Law Summary

Public Law 2019, chapter 111, clarifies what must be included in the complete agency record when the failure or refusal of the agency to act is alleged in a petition filed in Superior Court for the review of final agency action under the Maine Administrative Procedure Act. Chapter 111 explicitly requires the agency to include in the record filed in response to the petition all communications, whether written, electronic or memorialized in any other way, of all decisions by the agency to act, to refuse to act or to delay action. The record must also include all directives, orders and other documentation of those agency decisions.

LD 1113 An Act To Change Procedures of the Governor's Board on Executive Clemency and To Seal Marijuana Convictions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J	ONTP	

This bill requires a board, commission or panel established to provide the Governor a recommendation on a pardon, clemency or commutation of a sentence to grant a hearing to a petitioner who has been convicted of a nonviolent crime and to consider certain personal criteria of the petitioner and allows an appeal of a recommendation of denial to the Secretary of State.

This bill also seals criminal history record information regarding convictions for crimes and civil violations relating to personal adult use of marijuana by making the information confidential.

LD 1133 An Act To Require That Hospital Liens Be Satisfied on a Just and Equitable Basis

PUBLIC 270

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP ONTP	

This bill requires that a hospital's statutory lien be reduced by the patient's proportionate share of a patient's litigation or other recovery costs, including, but not limited to, reasonable attorney's fees. It also provides that a

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hospital lien must be satisfied on a just and equitable basis considering factors that diminish the patient's claim such as questions of liability or comparative negligence or other legal defenses, exigencies of trial and limits of insurance coverage.

Enacted Law Summary

Public Law 2019, chapter 270, requires that a hospital's statutory lien be reduced by the patient's proportionate share of a patient's litigation or other recovery costs, including, but not limited to, reasonable attorney's fees. It also provides that a hospital lien must be satisfied on a just and equitable basis considering factors that diminish the patient's claim such as questions of liability or comparative negligence or other legal defenses, exigencies of trial and limits of insurance coverage.

LD 1175	An Act To Ensure the Timely and Proper Completion of Residential Foreclosures	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FOLEY R	ONTP	

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 provides that for any period of adjournment for the sale of a mortgaged condominium unit, the mortgagee is required to pay the condominium association the regular monthly condominium assessment assessed against the unit for the period between the original sale date and the date of the final sale. 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 1183	Resolve, To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation by Members of Public Bodies	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	ONTP	

This resolve establishes the Study Committee on Remote Participation to explore the use of remote participation by members of public bodies in this State and other jurisdictions and determine the best way to guarantee government transparency and accountability, goals of the Freedom of Access Act, when considering the use of remote participation. The study committee consists of three Senators and four members of the House of Representatives. The study committee may hold a public hearing to collect public testimony on the use of remote participation. The study committee is required to make recommendations, which may include prohibition of or limitations on the use of remote participation. The study committee is required to submit a report, including any legislative recommendations, to the Joint Standing Committee on Judiciary no later than December 4, 2019.

See also the majority committee amendment to LD 1511.

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LD 1212 An Act To Adopt the Uniform Interstate Depositions and Discovery Act

PUBLIC 109

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

This bill enacts in Maine law the Uniform Interstate Depositions and Discovery Act.

Enacted Law Summary

Public Law 2019, chapter 109, enacts in Maine law the Uniform Interstate Depositions and Discovery Act.

LD 1219 An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J LIBBY N	OTP-AM	H-644

This bill establishes the Independent Board To Review Law Enforcement Officer-involved Deaths to review investigations by law enforcement agencies concerning deaths involving law enforcement officers and to issue recommendations to the prosecuting attorneys or Attorney General. The board consists of seven members appointed to three-year terms, and members of the board are conferred immunity in performing their duties on the board, except when the plaintiff is the State. The bill requires the board to issue a public report of its findings and conclusions for every officer-involved death in the State.

Committee Amendment "A" (H-644)

This amendment replaces the bill and revises the title to reflect that the panel will review use of deadly force by law enforcement officers, not just officer-related deaths.

The amendment establishes a panel of 15 members. The following are ex officio members, although each may appoint a designee to attend meetings and participate as a panel member: the Commissioner of Public Safety; the Director of Investigations for the Office of the Attorney General; the Director of the Maine Criminal Justice Academy; and the Chief Medical Examiner. The remaining members are appointed by the Attorney General: an attorney who represents plaintiffs in actions under 42 United States Code, Section 1983; a municipal police chief; a county sheriff; a mental health professional; a representative of a statewide collective bargaining law enforcement organization; a representative of a statewide civil rights organization; an attorney who represents defendants in actions under 42 United States Code, Section 1983; a criminal prosecutor; and three citizens, each of whom is not and has never been a sworn law enforcement officer.

The panel is directed to select a chair and a vice-chair and must meet at least quarterly. The Attorney General must call the first meeting before January 1, 2020.

The panel examines deaths and serious injuries that result from a law enforcement officer's use of deadly force. The panel will wait to conduct its examination until the Attorney General conducts the investigation of the use of deadly force by a law enforcement officer as required in current law. The purpose of the examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel must recommend methods of improving standards, including changes to statutes, rules,

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training, policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety or officer safety.

The panel may request information and records that are necessary and relevant to the review. Persons providing information or records are not criminally or civilly liable for disclosing or providing information or records as directed by the panel. The panel may consult with content experts and other professionals and discuss necessary information or records within the scope of the consultations.

The proceedings of the panel are not public proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. To ensure oversight, the Legislature may inspect and review the records, but it must be under conditions that ensure the information is not further disclosed. The Office of the Attorney General shall disclose conclusions of the review panel but may not disclose information, records or data that are otherwise classified as confidential.

The panel is directed to submit a report on each incident it reviews, as well as annual reports summarizing its activities, to the joint standing committee of the Legislature having jurisdiction over judiciary matters beginning January 30, 2021.

Enacted Law Summary

Public Law 2019, chapter 435, establishes the Deadly Force Review Panel, a permanent panel of 15 members. The following are ex officio members, although each may appoint a designee to attend meetings and participate as a panel member: the Commissioner of Public Safety; the Director of Investigations for the Office of the Attorney General; the Director of the Maine Criminal Justice Academy; and the Chief Medical Examiner. The remaining members are appointed by the Attorney General: an attorney who represents plaintiffs in actions under 42 United States Code, Section 1983; a municipal police chief; a county sheriff; a mental health professional; a representative of a statewide collective bargaining law enforcement organization; a representative of a statewide civil rights organization; an attorney who represents defendants in actions under 42 United States Code, Section 1983; a criminal prosecutor; and three citizens, each of whom is not and has never been a sworn law enforcement officer. The panel is directed to select a chair and a vice-chair and must meet at least quarterly. The Attorney General must call the first meeting before January 1, 2020.

The panel examines deaths and serious injuries that result from a law enforcement officer's use of deadly force. The panel will wait to conduct its examination until the Attorney General conducts the investigation of the use of deadly force by a law enforcement officer as required in current law. The purpose of the examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel must recommend methods of improving standards, including changes to statutes, rules, training, policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety or officer safety.

The panel may request information and records that are necessary and relevant to the review. Persons providing information or records are not criminally or civilly liable for disclosing or providing information or records as directed by the panel. The panel may consult with content experts and other professionals and discuss necessary information or records within the scope of the consultations.

The proceedings of the panel are not public proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. To ensure oversight, the Legislature may inspect and review the records, but it must be under conditions that ensure the information is not further disclosed. The Office of the Attorney General shall disclose conclusions of the review panel but may not disclose information, records or data that are otherwise classified as confidential.

The panel is directed to submit a report on each incident it reviews, as well as annual reports summarizing its

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activities, to the joint standing committee of the Legislature having jurisdiction over judiciary matters beginning January 30, 2021.

LD 1229 Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DAVIS P	OTP-AM	H-452

This resolve establishes the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals. The committee is required to study and develop recommendations to address guardianship, conservatorship and authorization of transaction challenges that result in extended hospitalization of patients clinically qualified for discharge from a hospital.

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

Committee Amendment "A" (H-452)

This amendment revises the membership of the committee, requires the report to be submitted to both the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Judiciary, authorizes both committees to report out legislation based on the report to the Second Regular Session of the 129th Legislature and adds an emergency preamble and clause. It also allows the committee to accept outside contributions, approved by the Legislative Council, to help fund the committee.

This amendment was adopted in the House and Senate before the bill was carried over on the Special Study Table.

LD 1233 An Act Regarding Offers of Settlement Leave to Withdraw Pursuant to Joint Rule

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

This bill provides that prior to 28 days before trial, a party to a lawsuit may serve on the adverse party a written offer to stipulate to the entry of judgment for the whole or part of the claim. It sets forth how an offer or counteroffer may be accepted or rejected. It provides for the payment of costs if an offer is rejected. It provides that reasonable expert witness fees and expenses included as discretionary costs include fees associated with consulting, preparation and testifying at deposition or trial.

LD 1245 An Act To Protect Victims of Domestic and Sexual Violence in Certain Provisions under the Maine Human Rights Act ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H	ONTP	

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This bill amends certain portions of the Maine Human Rights Act to provide protections to victims of domestic and sexual violence.

LD 1291 An Act To Update the Maine Parentage Act

CARRIED OVER

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

This bill is a concept draft pursuant to Joint Rule 208. This bill proposes to enact changes to the Maine Parentage Act that have been adopted as updates to the Uniform Parentage Act by the Uniform Law Commission.

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

LD 1294 Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

HELD BY GOVERNOR

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

This resolve directs the Maine Human Rights Commission to create a two-year pilot program to receive, review and investigate incidents and complaints of harassment due to a person's lack of employment or housing status and other reports of interference with a person's access to public accommodations. In carrying out the pilot program, the commission must investigate and respond to incidents and complaints of harassment as set out in the Maine Revised Statutes, Title 5, sections 4611 and 4612. The commission is authorized to use any of its powers under Title 5, section 4566 to carry out the pilot program and may limit its scope. The commission is authorized to establish an advisory board to document and evaluate complaints and to advise the commission as to which incidents and complaints should be acted on and possible solutions. The commission is directed to produce an interim report for submission to the Joint Standing Committee on Judiciary by September 15, 2020 and a final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, 2021. The reports are authorized to contain recommendations on changes to the program or for its continuation as well as proposed legislation to carry out any recommendations.

LD 1301 An Act Regarding the Confidentiality of Investigations by the Bureau of Forestry

Leave to Withdraw Pursuant to Joint Rule

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M BLACK R		

This bill makes all complaints and investigative records of the Department of Agriculture, Conservation and Forestry related to violations of the forestry laws confidential during the pendency of an investigation. The bill provides exceptions to allow disclosures to department employees and other agencies and otherwise as determined warranted by the Commissioner of Agriculture, Conservation and Forestry. The provision or disclosure of investigative records of the Department of the Attorney General to a Department of Agriculture, Conservation and

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Forestry employee designated by the commissioner does not constitute a waiver of the confidentiality of those records. A person who knowingly or intentionally makes a disclosure in violation of this provision commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.

LD 1304 An Act To Ease Financial Burdens for Juveniles Involved in the Justice System

PUBLIC 474

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-616

This bill amends the Maine Juvenile Code concerning the payment of restitution and fines as follows.

1. It removes from the consideration of withholding an institutional disposition following the adjudication of a juvenile crime the juvenile's ability or agreement to make restitution for a victim's damages or injuries.
2. It caps the amount of restitution a juvenile may be ordered to pay at \$800, requires the court to hold a hearing to determine the juvenile's financial capacity and allows the court to order community service in place of restitution.
3. Regarding a contempt proceeding concerning the enforcement of a dispositional order following the adjudication of a juvenile crime, the bill removes the ability of a court to incarcerate a juvenile or to levy execution of the monetary penalty or restitution to be collected as an unpaid civil judgment. The bill authorizes the court as a punitive or remedial sanction for the nonpayment of the restitution or fine to require the juvenile to earn credit by court-approved community service, which must be at a rate no less than the state minimum wage without considering whether the nonpayment was excusable or inexcusable.

Committee Amendment "A" (H-616)

This amendment replaces the bill. It enacts a new section in the Maine Juvenile Code governing court orders of restitution and orders to modify restitution. The new section:

1. Requires that restitution be considered by the court and, when the court does not order restitution, that the court state on the record or in writing the reasons for not imposing restitution;
2. Establishes criteria that must be considered in determining whether restitution is appropriate and the amount of restitution to be paid. The amendment specifically prohibits an order of restitution in enumerated circumstances;
3. Clarifies to whom restitution may be paid;
4. Establishes who has the burden of proof with regard to the capacity to pay restitution. If the juvenile is under 16 years of age, there is a rebuttable presumption that the juvenile does not have the capacity to pay restitution; the State may rebut the presumption by a preponderance of evidence. If the juvenile is 16 years of age or older, the juvenile has the burden of proving the incapacity to pay restitution by a preponderance of the evidence. On appeal, the juvenile has the burden of demonstrating that the court abused its discretion in ordering an amount of restitution;
5. Provides for the modification of orders of juvenile restitution; and
6. Provides that, in enforcing an order to pay restitution, the court may not enter an order for confinement as a remedial or contempt sanction unless the juvenile is at least 14 years of age. The court may also order the juvenile to complete community service.

Enacted Law Summary

Public Law 2019, chapter 474, enacts a new section in the Maine Juvenile Code governing court orders of

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restitution and orders to modify restitution. The new section:

1. Requires that restitution be considered by the court and, when the court does not order restitution, that the court state on the record or in writing the reasons for not imposing restitution;
2. Establishes criteria that must be considered in determining whether restitution is appropriate and the amount of restitution to be paid. The amendment specifically prohibits an order of restitution in enumerated circumstances;
3. Clarifies to whom restitution may be paid;
4. Establishes who has the burden of proof with regard to the capacity to pay restitution. If the juvenile is under 16 years of age, there is a rebuttable presumption that the juvenile does not have the capacity to pay restitution; the State may rebut the presumption by a preponderance of evidence. If the juvenile is 16 years of age or older, the juvenile has the burden of proving the incapacity to pay restitution by a preponderance of the evidence. On appeal, the juvenile has the burden of demonstrating that the court abused its discretion in ordering an amount of restitution;
5. Provides for the modification of orders of juvenile restitution; and
6. Provides that, in enforcing an order to pay restitution, the court may not enter an order for confinement as a remedial or contempt sanction unless the juvenile is at least 14 years of age. The court may also order the juvenile to complete community service.

LD 1312 An Act Regarding Access to Firearms by Extremely Dangerous and Suicidal Individuals

Accepted Report B (ONTP)

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

This bill creates an extreme risk protection order to authorize a court to order a person to surrender that person's firearms temporarily for 14 days or on an extended basis for 365 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 the following:

1. A law enforcement officer, a law enforcement agency or a family or household member may file a petition for a temporary extreme risk protection order, which may be granted if the court finds probable cause exists to issue the order. The temporary extreme risk protection order expires in 14 days or when a hearing to determine whether to issue an extended extreme risk protection order is held, whichever occurs sooner. A temporary extreme risk protection order may be issued on an ex parte basis.
2. Whether or not the court issues a temporary extreme risk protection order, the court is required to hold a hearing within 14 days to determine whether the person poses a danger of causing personal injury to that person or another person. If the court, based on clear and convincing evidence, finds that an extended extreme risk protection order should be issued, the extended extreme risk protection order must be issued, and it expires 365 days after the issuance of the order unless extended after another hearing.
3. Following the issuance of a temporary or extended extreme risk protection order, the court is required to order law enforcement to serve the order and is required to issue a search warrant if the court finds probable cause that the person who is the subject of the order is in possession of a firearm.
4. A person who is the subject of a temporary or extended extreme risk protection order is required to surrender all

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firearms in the person's possession to a law enforcement officer or law enforcement agency. The firearms must be returned to the person at the expiration of the extreme risk protection order unless an extended extreme risk protection order is issued.

5. A person against whom an extended extreme risk protection order is issued may request that the order be dissolved and be granted a hearing once during the term of the extended extreme risk protection order.

6. A person who possesses firearms in violation of an extreme risk protection order commits a Class D crime.

Committee Amendment "A" (S-285)

This amendment, which is the majority report, lists factors that a court may consider when determining whether the grounds for an extreme risk protection order exist. The list of factors is based on current Rhode Island law. The court is not precluded from considering other criteria.

This amendment revises the search warrant procedures in the bill to clarify that the court has discretion to issue a search warrant after an extreme risk protection order has been issued. If the court finds there is probable cause to believe the restrained individual owns, possesses or controls any firearms, the court is required to issue a warrant that describes the firearms and authorizes a search of the location where the described firearms are reasonably believed to be found and the seizure of any firearms in the possession or control of the restrained individual that are discovered pursuant to the search. The search warrant process for extreme risk protection orders described in this legislation is not intended to alter or supersede existing provisions governing search warrants, including exceptions for when a search warrant is not required.

This amendment requires the court, when issuing either a temporary extreme risk protection order or an extended extreme risk protection order, to inform the individual subject to the order of treatment resources that the individual may access.

This amendment authorizes the law enforcement agency that initially seized or received firearms as the result of an extreme risk protection order to make arrangements for transfer and storage of those firearms with another law enforcement agency or with a federally licensed firearms dealer.

This amendment adds an appropriations and allocations section.

This amendment was not adopted.

Committee Amendment "B" (S-286)

This amendment, which is one of two minority reports of the committee, replaces the bill with a resolve that directs the Commissioner of Education and the Commissioner of Public Safety to jointly convene a working group to examine the use of extreme risk protection orders regarding individuals who pose a serious threat to themselves or others, as well as other proposals to improve school safety, and to present the findings and recommendations of the working group to the Joint Standing Committee on Judiciary by January 1, 2020. The amendment authorizes the committee to submit legislation relating to the recommendations of the working group to the Second Regular Session of the 129th Legislature.

This amendment was not adopted.

LD 1327 An Act To Require Residential Mortgage Loan Servicers To Act in Good Faith in Dealings with Homeowners

PUBLIC 363

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CLAXTON N	OTP-AM	S-258

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This bill requires servicers of residential mortgage loans to act in good faith when dealing with homeowners who are the borrowers under those loans. The bill changes the foreclosure mediation program to allow the courts to directly sanction a mortgage servicer when the servicer's conduct evidences a failure to mediate in good faith. The bill requires an order of sanctions to identify the name of the mortgage servicer so that, when a servicer is found to have failed to act in good faith, the court may take into account previous misconduct in fashioning a sanction sufficient to deter continuation of the misconduct in the same case or in future cases.

Committee Amendment "A" (S-258)

This amendment excludes certain types of entities from the definitions of "mortgage servicer" and "servicer" to provide that the mortgage servicer's duty of good faith as established in the bill does not apply to most financial institutions licensed by the State, including licensed banks and credit unions, supervised financial organizations, Maine financial institutions and mutual holding companies whose home state is Maine, as well as the Maine State Housing Authority.

Enacted Law Summary

Public Law 2019, chapter 363, requires servicers of residential mortgage loans to act in good faith when dealing with homeowners who are the borrowers under those loans. It changes the foreclosure mediation program to allow the courts to directly sanction a mortgage servicer when the servicer's conduct evidences a failure to mediate in good faith. It requires an order of sanctions to identify the name of the mortgage servicer so that, when a servicer is found to have failed to act in good faith, the court may take into account previous misconduct in fashioning a sanction sufficient to deter continuation of the misconduct in the same case or in future cases.

Public Law 2019, chapter 363, excludes certain types of entities from the definitions of "mortgage servicer" and "servicer" to provide that the mortgage servicer's duty of good faith as established in the bill does not apply to most financial institutions licensed by the State, including licensed banks and credit unions, supervised financial organizations, Maine financial institutions and mutual holding companies whose home state is Maine, as well as the Maine State Housing Authority.

LD 1352 An Act To Provide for Consistency Regarding Persons Authorized To Conduct Examinations for Involuntary Hospitalization and Guardianship

PUBLIC 276

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G	OTP	

This bill changes the Maine Uniform Probate Code, Title 18-C, in the provision governing professional evaluation in an adult guardianship matter to replace the term "licensed physician or psychologist" with the term "medical practitioner," the definition of which is added to the provision by the bill and is the same as under the Maine Revised Statutes, Title 34-B, section 3801, which provides definitions for provisions governing hospitalization by psychiatric hospitals.

Enacted Law Summary

Public Law 2019, chapter 276, changes the Maine Uniform Probate Code in the provision governing professional evaluation in an adult guardianship matter to replace the term "licensed physician or psychologist" with the term "medical practitioner," the definition of which is added to the provision by the bill and is the same as under the Maine Revised Statutes, Title 34-B, section 3801, which provides definitions for provisions governing hospitalization by psychiatric hospitals.

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LD 1366 An Act To Require Information Regarding Implied Warranties When Offering an Extended Warranty at the Point of Sale **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RILEY T	ONTP	

This bill requires a seller that offers an extended warranty on goods at the point of sale to inform the buyer of the implied warranty provisions under state law by stating: "Maine's implied warranty law covers most consumer goods for up to four years as long as the item is seriously defective and not simply worn out."

LD 1380 An Act To Transfer the Violations Bureau from the Courts to the Office of the Secretary of State **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J		

This bill transfers the responsibilities of the violations bureau, which processes traffic infractions, from the Judicial Branch to the Office of the Secretary of State.

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

LD 1381 An Act To Create a Post-judgment Mechanism To Provide Relief to Victims of Sexual Exploitation and Sex Trafficking **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L	ONTP	

This bill provides for a comprehensive post-judgment method of relief for a person for whom one or more criminal convictions in which a final judgment has been entered were the result of the person's sexual exploitation or being subjected to sex trafficking. This method of relief is similar to that provided in law to a person whose identity has been stolen and falsely used by another person in a criminal, civil violation or traffic infraction proceeding. The relief offered is the court's vacating the conviction and the correction of the court records and related criminal justice agency records.

LD 1388 Resolve, Directing the Attorney General To Pursue the State's Claim That It Holds Title to Maine's Intertidal Lands **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D EVANGELOS J	ONTP	

At the time this bill was printed, there were cases addressing the State's title to intertidal lands pending before the Law Court. This resolve directs the Attorney General to seek review in the United States Supreme Court of any decision by the Law Court that does not fully vindicate the State's title to intertidal lands. If there is no Law Court decision to appeal within two years, the Attorney General shall bring a declaratory judgment action in federal court to declare the State's title to intertidal lands, pursuing the case through to an appeal to the Supreme Court if

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necessary.

LD 1392 An Act To Establish a Formal Tribal Consultation Process with the State

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NEWELL R MIRAMANT D		

This bill requires a state agency to develop and implement a policy that:

1. Promotes effective communication between the state agency and federally recognized Indian tribes in the State;
2. Promotes positive government-to-government relations between the State and federally recognized Indian tribes in the State; and
3. Enables federally recognized Indian tribes in the State to consult with the state agency in a meaningful and timely manner regarding the development of legislation, rules and policies proposed by the state agency on matters that significantly or uniquely affect the tribes.

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

LD 1405 An Act To Amend the Laws Governing Foreclosure To Ensure Timely Completion

PUBLIC 408

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARNEY A	OTP-AM	H-584

This bill amends the laws governing foreclosure proceedings in order to ensure timely completion of foreclosure sales. This bill:

1. Extends the mortgagee's time to sell the property following an adjournment of the sale, and requires that additional extensions of time be approved by the court;
2. Provides that a mortgagee may execute a waiver of foreclosure only with the written consent of the mortgagor; and
3. Establishes a time frame for the mortgagee to file a report of sale.

Committee Amendment "A" (H-584)

This amendment amends time limits in the bill to provide that a sale may be adjourned for any time not exceeding 60 days and the court may grant appropriate extensions.

It provides that, when there is a waiver of foreclosure, the waiver and the consent of the mortgagor must be included in a stipulation of dismissal of the foreclosure. The stipulation of dismissal must be signed by the mortgagee and mortgagor or their respective attorneys. Upon the filing of the stipulation of dismissal, along with the waiver and consent with the court, all other rights of the parties remain as if no foreclosure had been commenced.

It extends the time for the mortgagee to file a report of sale within the earlier of 90 days after the public sale and 45

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days after the mortgagee's delivery of the deed conveying the mortgaged property. The court may extend the deadline upon a showing of good cause by the mortgagee.

Enacted Law Summary

Public Law 2019, chapter 408, amends the laws governing foreclosure proceedings in order to ensure timely completion of foreclosure sales. It provide thats a sale may be adjourned for any time not exceeding 60 days and the court may grant appropriate extensions. It provides that, when there is a waiver of foreclosure, the waiver and the consent of the mortgagor must be included in a stipulation of dismissal of the foreclosure. The stipulation of dismissal must be signed by the mortgagee and mortgagor or their respective attorneys. Upon the filing of the stipulation of dismissal, along with the waiver and consent with the court, all other rights of the parties remain as if no foreclosure had been commenced. It extends the time for the mortgagee to file a report of sale within the earlier of 90 days after the public sale and 45 days after the mortgagee's delivery of the deed conveying the mortgaged property. The court may extend the deadline upon a showing of good cause by the mortgagee.

**LD 1414 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Penalties for Violations of the Freedom
of Access Act**

PUBLIC 247

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill replaces the existing penalty provision of the Freedom of Access Act to establish a tiered schedule of fines for the civil violation of willfully violating the Freedom of Access Act.

A state government agency or local government entity is subject to a fine of up to \$500 for a first violation, a fine of up to \$1,000 for a second violation and a fine of up to \$2,000 for third and subsequent violations committed within four years of an adjudication for a willful violation. For the purposes of determining previous adjudications, a willful violation can be committed by any employee of the agency or entity.

Enacted Law Summary

Public Law 2019, chapter 247, replaces the existing penalty provision of the Freedom of Access Act to establish a tiered schedule of fines for the civil violation of willfully violating the Freedom of Access Act.

A state government agency or local government entity is subject to a fine of up to \$500 for a first violation, a fine of up to \$1,000 for a second violation and a fine of up to \$2,000 for third and subsequent violations committed within four years of an adjudication for a willful violation. For the purposes of determining previous adjudications, a willful violation can be committed by any employee of the agency or entity.

**LD 1416 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Freedom of Access Training for Public
Officials**

PUBLIC 300

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-451

Current law requires public officials elected to certain positions to complete training on the requirements of the Freedom of Access Act. This bill implements the recommendation of the Right To Know Advisory Committee that officials appointed to those same positions also be required to complete the training.

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contract per year.

LD 1442 An Act To Provide for Court-appointed Advocates for Justice in Animal Cruelty Cases

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHIPMAN B	OTP-AM ONTP	H-574

This bill allows courts to appoint law students or volunteer lawyers to advocate for the interests of justice in animal cruelty proceedings.

Committee Amendment "A" (H-574)

The bill requires the Department of Agriculture, Conservation and Forestry to keep a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system, and requires the Commissioner of Agriculture, Conservation and Forestry to provide that list to the courts. The courts will use the list to appoint a separate advocate to represent the interests of justice in cases involving animal cruelty. This amendment moves the responsibilities concerning the list from the department and the commissioner to the Maine State Bar Association.

LD 1449 An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L TIMBERLAKE J		

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.

LD 1457 An Act To Make Certain References in the Maine Revised Statutes Gender-neutral

PUBLIC 475

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP-AM	H-565

This bill changes language in the Maine Revised Statutes to make certain references to the Governor and the Chief Justice of the Supreme Judicial Court and associate justices gender neutral. The Revisor of Statutes is directed to review the Maine Revised Statutes to determine where further references to the Governor and the Chief Justice of

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the Supreme Judicial Court and associate justices need to be made gender neutral and to implement these revisions when updating, publishing or republishing the statutes.

Committee Amendment "A" (H-565)

This amendment strikes the title of the bill and directs that certain references in the Maine Revised Statutes be made gender-neutral, not just references to the Governor and the Supreme Judicial Court Justices as proposed in the bill. Specifically, this amendment makes all references in Title 3 of the Maine Revised Statutes gender-neutral and it adds a revision clause to direct the Revisor of Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and to make these revisions when updating, publishing or republishing the statutes. The amendment further directs the Revisor of Statutes to develop a schedule to change all gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable and to include in the annual revisor's report an update on progress in carrying out the schedule.

Enacted Law Summary

Public Law 2019, chapter 475, changes language in the Maine Revised Statutes to make certain references to the Governor and the Chief Justice of the Supreme Judicial Court and associate justices gender neutral, and to make all references in Title 3 of the Maine Revised Statutes gender neutral. Chapter 475 includes a revision clause to direct the Revisor of Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and to make these revisions when updating, publishing or republishing the statutes. Chapter 475 directs the Revisor of Statutes to develop a schedule to change all gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable and to include in the annual revisor's report an update on progress in carrying out the schedule.

LD 1468 An Act To Enact the Maine Uniform Directed Trust Act

PUBLIC 301

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill enacts the Maine Uniform Directed Trust Act as approved by the Uniform Law Commissioners in 2017. It includes conforming amendments to the Uniform Trust Code, adopted in this State as the Maine Revised Statutes, Title 18-B, Part 1, the Maine Uniform Trust Code.

Enacted Law Summary

Public Law 2019, chapter 301, enacts the Maine Uniform Directed Trust Act as approved by the Uniform Law Commissioners in 2017. It includes conforming amendments to the Uniform Trust Code, adopted in this State as the Maine Revised Statutes, Title 18-B, Part 1, the Maine Uniform Trust Code.

LD 1475 An Act To Eliminate Profiling in Maine

PUBLIC 410

Sponsor(s)

Committee Report

Amendments Adopted

HICKMAN C
MIRAMANT D

OTP-AM
ONTP

H-581

This bill creates the Act To Eliminate Profiling in Maine, which establishes policies and procedures for law enforcement officers and law enforcement agencies to prohibit and eliminate profiling. The bill defines profiling as the discriminatory practice of a law enforcement officer or law enforcement agency relying, to any degree, on actual or perceived race, gender, ethnicity, religion, socioeconomic status, ancestry or national origin in targeting an

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individual for routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and time frame, that links a person with a particular characteristic to an identified criminal incident or scheme.

Specifically, the bill directs the Board of Trustees of the Maine Criminal Justice Academy to establish policies and procedures to eliminate profiling and require mandatory training and anti-profiling education by all law enforcement agencies in the State. All law enforcement agencies must adopt written policies on profiling. The bill requires law enforcement agencies to implement procedures for receiving, investigating and responding to complaints of profiling. The bill also directs the Attorney General to adopt rules and guidelines for collecting and reporting data regarding profiling. Rules must define what data must be collected, how it must be collected and how the data may be reported and used to eliminate profiling and inform law enforcement, the public and the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters.

Committee Amendment "A" (H-581)

The bill prohibits profiling on the basis of actual or perceived race, gender, ethnicity, religion, socioeconomic status, ancestry or national origin by law enforcement and requires data collection to provide information about whether profiling is occurring and, if so, the extent to which it is occurring. This amendment retains the prohibition on profiling on the basis of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by requiring the establishment of anti-profiling policies but removes the data collection requirement and instead directs the Attorney General to explore data collection techniques and report to the Joint Standing Committee on Judiciary findings and recommendations by March 15, 2020. The committee may report out legislation to the Second Regular Session of the 129th Legislature.

The amendment requires that training of law enforcement officers include anti-profiling education and instruction.

The amendment directs the Attorney General to establish procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies. The Attorney General may adopt rules to address the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement officers or law enforcement agencies.

Enacted Law Summary

Public Law 2019, chapter 410, prohibits profiling on the basis of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by requiring the establishment of anti-profiling policies. It directs the Attorney General to explore data collection techniques and report to the Joint Standing Committee on Judiciary findings and recommendations by March 15, 2020. The committee may report out legislation to the Second Regular Session of the 129th Legislature.

Public Law 2019, chapter 410, requires that training of law enforcement officers include anti-profiling education and instruction.

Public Law 2019, chapter 410, directs the Attorney General to establish procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies. The Attorney General may adopt rules to address the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement officers or law enforcement agencies.

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LD 1483 An Act To Clarify the Disposition of Funds Presumed Abandoned in a Lawyer's Trust Account

PUBLIC 496

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B BELLOWS S	OTP-AM OTP ONTP	H-575

This bill clarifies that funds presumed abandoned under the Uniform Unclaimed Property Act in a lawyer's trust account for which identifying client information can be found must be delivered to the Treasurer of State. It provides that funds presumed abandoned in a lawyer's trust account for which no identifying client information can be found must be transferred to the lawyer's trust account program manager to be used to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income residents of the State.

Committee Amendment "A" (H-575)

This amendment, which is the majority report, provides that unclaimed funds, submitted by attorneys and banks from IOLTA accounts, that are currently held as unclaimed property without identifying client information be transferred by the Treasurer of State to the lawyer's trust account program manager.

Enacted Law Summary

Public Law 2019, chapter 496, clarifies that funds presumed abandoned under the Uniform Unclaimed Property Act in a lawyer's trust account for which identifying client information can be found must be delivered to the Treasurer of State. It provides that funds presumed abandoned in a lawyer's trust account for which no identifying client information can be found must be transferred to the lawyer's trust account program manager to be used to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income residents of the State. Chapter 496 provides that unclaimed funds, submitted by attorneys and banks from IOLTA accounts, that are currently held as unclaimed property and not identified as belonging to anyone be transferred by the Treasurer of State to the lawyer's trust account program manager.

LD 1490 An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support

CARRIED OVER

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

The purpose of this bill is to establish legal authority to allow federally recognized Indian tribes in the State to use the same legal tools that are currently available to the State to compel noncustodial parents to assist in the support of their children.

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

LD 1503 An Act To Establish the Maine False Claims Act

ONTP

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

Joint Standing Committee on Judiciary

This bill repeals the existing law governing the civil liability of persons making false claims, and enacts the Maine False Claims Act in order to protect the State against false and fraudulent claims upon or against the State and to protect the State and the Federal Government against false and fraudulent claims under the Medicaid program, known in the State as the MaineCare program. This bill provides authorization for qui tam actions, which are brought by a person for the benefit of the person and the State in the name of the State. This bill provides protection from discrimination for an employee who participates in a qui tam action. This bill provides possible recoveries for the person who brings the qui tam action in addition to recoveries for the State. This bill establishes the Maine False Claims Act Fund to receive the proceeds payable to the State as a result of false claims litigation to be used in part for investigatory, enforcement and litigation expenses.

LD 1507 An Act Relating to Amateur Radio Service

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVEAU J	ONTP	

This bill prohibits a homeowners association, which is defined in this bill, from restricting the construction and operation of an amateur radio station by an amateur radio operator licensed by the Federal Communications Commission. This bill allows homeowners associations to establish certain requirements concerning the construction and appearance of amateur radio station antennas.

**LD 1511 An Act To Implement the Recommendations of the Right To Know
Advisory Committee Concerning Public Records Exceptions**

**Died Between
Houses**

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

This bill implements statutory changes recommended by the Right To Know Advisory Committee pursuant to its responsibility to review existing public records exceptions.

The bill eliminates specific protection for social security numbers in the context of constituent communications because social security numbers are designated as not public records for all contexts.

Current law provides that personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services is not a public record as long as the municipality has adopted an ordinance that protects the information from disclosure. The bill repeals the requirement that a municipality adopt such an ordinance in order to protect the information about minors.

Current law provides a public record exception for records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software. The bill amends the provision to specifically include records or information maintained to ensure government operations and technology continuity and to enable disaster recovery.

The bill amends the statutes governing the confidentiality of the working papers of the Office of Program Evaluation and Government Accountability to clarify that the working papers, whether in the possession of the office or an entity with which the office director has contracted, remain confidential even after the report is released to the public. It removes duplicative language that is already captured in the definition of "working papers."

Joint Standing Committee on Judiciary

The bill amends the Maine Human Rights Act to update and clarify the language describing medical history and information about disabilities, as well as to update a reference to employee health and wellness programs.

Committee Amendment "A" (H-641)

This amendment, which is the majority report, designates the contents of the bill as Part A. The amendment adds Parts B and C.

Part B of the amendment does the following.

It clarifies when members of public bodies may participate remotely in public proceedings of those bodies. It 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.

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.

It 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, or, for public bodies that consist of three or fewer members, at least one member of the public body must be physically present at the location identified in the meeting notice.

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.

It 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 amendment prohibits members who are not physically present at the meeting location from participating and voting in adjudicatory proceedings.

It requires that a state public body adopt its remote participation policy as a major substantive rule under the Maine Administrative Procedure Act.

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 the municipality or the county.

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.

It 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.

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Part C of the amendment 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.

This amendment was not adopted.

LD 1516 An Act To Improve Efficiency in Communication in the Court System

PUBLIC 497

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M SANBORN L	OTP-AM	H-270 S-344 BREEN C

This bill provides funding to the Judicial Branch to allow it to develop and implement a text message notification system to provide information regarding pending court cases, such as location, calendar, case category and case type, to involved parties.

Committee Amendment "A" (H-270)

This amendment removes the emergency preamble and emergency clause and reduces the appropriation to reflect the new effective date.

Senate Amendment "A" To Committee Amendment "A" (S-344)

This amendment replaces the appropriations and allocations section. It provides funding for one part-time Project Manager Associate position instead of one full-time position.

Enacted Law Summary

Public Law 2019, chapter 497, provides funding to the Judicial Branch to allow it to develop and implement a text message notification system to provide information regarding pending court cases, such as location, calendar, case category and case type, to involved parties. It provides funding for one part-time Project Manager Associate position.

LD 1522 An Act To Amend the Laws Regarding Orders of Abandonment for Residential Properties in Foreclosure

ONTP

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

This bill allows a condominium association to act as a party in interest in a judicial foreclosure action to present evidence of abandonment of mortgaged premises and file a motion to determine that the premises are abandoned. This bill also requires a plaintiff prevailing in a foreclosure action against premises that include dwelling units occupied by tenants to pay any rent received from those tenants, after deducting reasonable costs for acting as the landlord, to a condominium association that is a party in interest.

LD 1535 An Act To Correct Errors and Inconsistencies Related to the Maine Uniform Probate Code and To Make Other Substantive Changes

**PUBLIC 417
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-632

Joint Standing Committee on Judiciary

This bill is submitted pursuant to Public Law 2017, chapter 402, Part G, section 2.

This bill contains recommendations submitted by the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission to Changes the Maine Uniform Probate Code. This bill does the following.

1. It provides that a guardian or conservator can petition the court to require a third party to recognize the authority of the guardian or conservator, as well as accept a decision of the guardian or conservator. If the court finds that the refusal of a third party was made in bad faith and without justification, the court may charge the third party for attorney's fees and costs. Notice of the petition for an order to recognize the authority or accept the decision of the guardian or conservator must be provided to the adult subject to guardianship or conservatorship and everyone else entitled to notice.
2. It addresses an inconsistency and a potential constitutional infirmity in the minor guardianship termination provision in Title 18-C, section 5-210, subsection 7 identified by the Family Law Advisory Commission. Subsection 7 establishes the standards and burdens of proof applicable to a parent's petition to terminate a minor guardianship when the termination is opposed by the guardian. This bill provides that the guardian has the burden of proving by clear and convincing evidence that the parent seeking to terminate the guardianship is currently unfit to regain custody of the minor.
3. It requires the court, in determining whether to appoint a guardian or conservator, to find that any appropriate supportive services, technological assistance or supportive decision making provides adequate protection for the particular respondent. It adds that a less restrictive alternative to guardianship or conservatorship must provide adequate protection for the respondent.
4. It provides that if the respondent exercises the right to decline to participate in a professional evaluation or refuses to provide medical reports, the court may enter an order of guardianship or other protective arrangement if the court otherwise finds that there is a basis for the order.
5. Throughout Article 5, Parts 3, 4 and 5, it provides that participation in a hearing by telephone, rather than real-time audiovisual technology, is permitted only if real-time audiovisual technology is not available.
6. In the provisions governing confidentiality of records regarding adult guardianship, conservatorship and other protective arrangements, it establishes an effective date of January 1, 2021 to provide sufficient time for the Supreme Judicial Court to adopt rules governing the confidentiality of all court records.
7. It provides that the right to vote and the right marry are automatically preserved when a guardian is appointed, unless the court orders otherwise.
8. It creates an exception, for guardianships and conservatorships established prior to the July 1, 2019 effective date of Title 18-C, to the imposition of certain duties of notice and restrictions of powers until an express order of the court so directs the guardian.
9. It repeals Title 18-C, section 5-404, which was carried over from the former Title 18-A, section 5-404, and enacts Title 18-C, section 5-404-A. Section 5-404-A is derived from section 404 of the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act and concerns an order to preserve property while a petition for appointment of a conservator is pending.
10. It provides that if the respondent exercises the right to decline to participate in a professional evaluation or refuses to provide medical reports, the court may enter an order of conservatorship or other protective arrangement if the court otherwise finds that there is a basis for the order.
11. It directs the Family Law Advisory Commission to study and provide recommendations on the following

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matters related to the Maine Uniform Probate Code: petitions for termination of parental rights in the context of adoption; competing adoption petitions; and rights of contact between a minor and the former guardian when the guardianship is terminated. The Family Law Advisory Commission is required to submit a report, including specific recommendations for amendments to the Maine Uniform Probate Code and other family law statutes, to the Joint Standing Committee on Judiciary by December 1, 2019.

12. It enacts as new Article 10 the Maine Revised Uniform Fiduciary Access to Digital Assets Act, originally enacted by Public Law 2017, chapter 359, which was enacted as Article 10 of former Title 18-A.

Committee Amendment "A" (H-632)

This amendment changes the effective date of the Maine Uniform Probate Code, the Maine Revised Statutes, Title 18-C, enacted by Public Law 2017, chapter 402, from July 1, 2019 to September 1, 2019.

This amendment amends the adult guardianship, conservatorship and other protective arrangements provisions to clarify that the court retains its discretion when determining whether guardianship, conservatorship, protective arrangements or other less restrictive alternatives, including supported decision making, are appropriate in each case before the court. The court may consider any proposed vetting of the person or persons chosen to provide support in decision making; reports to the court by an interested party or parties regarding the effectiveness of an existing supported decision-making arrangement; or any other information the court determines necessary or appropriate to determine whether supportive services, technological assistance, supported decision making, protective arrangements or less restrictive arrangements will provide adequate protection for the respondent when a petition has been filed for guardianship, conservatorship or other protective arrangements.

This amendment updates Title 18-C with amendments that were included in the Maine Revised Uniform Fiduciary Access to Digital Assets Act, enacted by Public Law 2017, chapter 359 as amendments to the Maine Revised Statutes, Title 18-A, in the definition of "property" to include digital assets and to authorize an agent under a power of attorney to exercise authority over the content of an electronic communication of the principal if specifically authorized to do so in a power of attorney.

This amendment clarifies that a person may refuse to recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if the guardian's or conservator's proposed action would be inconsistent with not only the Maine Uniform Probate Code but any other law, rule or regulation. It also provides that a person who refuses to accept the authority of the guardian or conservator in any situation is required to report the refusal and the reason for the refusal to the court. This gives the court the opportunity to review the guardian or conservator and determine if removal or other action is appropriate.

This amendment replaces the provisions governing the appointment of a guardian for a minor on an emergency basis and is based on recommendations from the Family Law Advisory Commission. The amendment to the Title 18-C, section 5-204 permits the appointment of a guardian for a minor on an emergency basis for up to 90 days upon evidence that the appointment is needed to prevent substantial harm to the minor's physical health or safety.

This amendment provides that a professional evaluation is not required before the appointment of an emergency guardian or emergency conservator if the court finds from affidavit or testimony that the basis for an emergency has been met and the petitioner has good cause for not submitting a professional evaluation before the emergency order.

This amendment deletes the repeal of 18-C, section 5-404 as proposed in the bill and instead adds the proposed language concerning the preservation and protection of property pending a conservatorship proceeding.

This amendment provides that when the court has appointed a public guardian, no coguardian may be appointed, and no coconservator may be appointed when a public conservator has been appointed.

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This amendment cross-references the requirements that apply to private guardians and conservators to ensure that the same requirements apply to public guardians and conservators.

This amendment resolves an inconsistency in the adoptions laws between Title 18-C, section 9-202, subsection 4, which allows a parent to have five days to revoke a written consent to an adoption or a surrender and release of their parental rights, and subsection 6, which states that a consent or surrender and release are final and irrevocable upon execution. This amendment eliminates this inconsistency by eliminating "when duly executed" and in its place providing that a surrender and release or a consent is final and irrevocable upon the court's approval pursuant to the other requirements of that section, as set forth in subsection 2.

Enacted Law Summary

Public Law 2019, chapter 417, is based on recommendations from the Probate and Trust Law Advisory Commission and the Family Law Advisory Commission pursuant to Public Law 2017, chapter 402, Part G.

Public Law 2019, chapter 417 includes the following changes.

1. It changes the effective date of the Maine Uniform Probate Code, Title 18-C, from July 1, 2019 to September 1, 2019.
2. It provides that a guardian or conservator can petition the court to require a third party to recognize the authority of the guardian or conservator, as well as accept a decision of the guardian or conservator. If the court finds that the refusal of a third party was made in bad faith and without justification, the court may charge the third party for attorney's fees and costs. Notice of the petition for an order to recognize the authority or accept the decision of the guardian or conservator must be provided to the adult subject to guardianship or conservatorship and everyone else entitled to notice. Chapter 417 clarifies that a person may refuse to recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship if the guardian's or conservator's proposed action would be inconsistent with not only the Maine Uniform Probate Code but any other law, rule or regulation. It also provides that a person who refuses to accept the authority of the guardian or conservator in any situation is required to report the refusal and the reason for the refusal to the court. This gives the court the opportunity to review the guardian or conservator and determine if removal or other action is appropriate.
3. It replaces the provisions governing the appointment of a guardian for a minor on an emergency basis and is based on recommendations from the Family Law Advisory Commission. The change to the Title 18-C, section 5-204 permits the appointment of a guardian for a minor on an emergency basis for up to 90 days upon evidence that the appointment is needed to prevent substantial harm to the minor's physical health or safety.
4. It addresses an inconsistency and a potential constitutional infirmity in the minor guardianship termination provision in Title 18-C, section 5-210, subsection 7 identified by the Family Law Advisory Commission. Subsection 7 establishes the standards and burdens of proof applicable to a parent's petition to terminate a minor guardianship when the termination is opposed by the guardian. This bill provides that the guardian has the burden of proving by clear and convincing evidence that the parent seeking to terminate the guardianship is currently unfit to regain custody of the minor.
5. It requires the court, in determining whether to appoint a guardian or conservator, to find that any appropriate supportive services, technological assistance or supportive decision making provides adequate protection for the particular respondent. It adds that a less restrictive alternative to guardianship or conservatorship must provide adequate protection for the respondent. Chapter 417 amends the adult guardianship, conservatorship and other protective arrangements provisions to clarify that the court retains its discretion when determining whether guardianship, conservatorship, protective arrangements or other less restrictive alternatives, including supported decision making, are appropriate in each case before the court. The court may consider any proposed vetting of the

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person or persons chosen to provide support in decision making; reports to the court by an interested party or parties regarding the effectiveness of an existing supported decision-making arrangement; or any other information the court determines necessary or appropriate to determine whether supportive services, technological assistance, supported decision making, protective arrangements or less restrictive arrangements will provide adequate protection for the respondent when a petition has been filed for guardianship, conservatorship or other protective arrangements.

6. It provides that if the respondent exercises the right to decline to participate in a professional evaluation or refuses to provide medical reports, the court may enter an order of guardianship or other protective arrangement if the court otherwise finds that there is a basis for the order.

7. It provides that a professional evaluation is not required before the appointment of an emergency guardian or emergency conservator if the court finds from affidavit or testimony that the basis for an emergency has been met and the petitioner has good cause for not submitting a professional evaluation before the emergency order.

8. Throughout Article 5, Parts 3, 4 and 5, it provides that participation in a hearing by telephone, rather than real-time audiovisual technology, is permitted only if real-time audiovisual technology is not available.

9. In the provisions governing confidentiality of records regarding adult guardianship, conservatorship and other protective arrangements, it establishes an effective date of January 1, 2021 to provide sufficient time for the Supreme Judicial Court to adopt rules governing the confidentiality of all court records.

10. It provides that the right to vote and the right marry are automatically preserved when a guardian is appointed, unless the court orders otherwise.

11. It provides that when the court has appointed a public guardian, no coguardian may be appointed, and no coconservator may be appointed when a public conservator has been appointed. It also cross-references the requirements that apply to private guardians and conservators to ensure that the same requirements apply to public guardians and conservators.

12. It creates an exception, for guardianships and conservatorships established prior to the July 1, 2019 effective date of Title 18-C, to the imposition of certain duties of notice and restrictions of powers until an express order of the court so directs the guardian.

13. It repeals Title 18-C, section 5-404, which was carried over from the former Title 18-A, section 5-404, and enacts Title 18-C, section 5-404-A. Section 5-404-A is derived from section 404 of the Uniform Guardianship, Conservatorship and Other Protective Arrangements Act and concerns an order to preserve property while a petition for appointment of a conservator is pending.

14. It provides that if the respondent exercises the right to decline to participate in a professional evaluation or refuses to provide medical reports, the court may enter an order of conservatorship or other protective arrangement if the court otherwise finds that there is a basis for the order.

15. It resolves an inconsistency in the adoptions laws concerning the effective date of a written consent to an adoption or a surrender and release of parental rights.

16. It directs the Family Law Advisory Commission to study and provide recommendations on the following matters related to the Maine Uniform Probate Code: petitions for termination of parental rights in the context of adoption; competing adoption petitions; and rights of contact between a minor and the former guardian when the guardianship is terminated. The Family Law Advisory Commission is required to submit a report, including specific recommendations for amendments to the Maine Uniform Probate Code and other family law statutes, to the Joint Standing Committee on Judiciary by December 1, 2019.

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17. It enacts as new Article 10 the Maine Revised Uniform Fiduciary Access to Digital Assets Act, originally enacted by Public Law 2017, chapter 359, which was enacted as Article 10 of former Title 18-A.

Public Law 2019, chapter 417, was enacted as an emergency measure effective June 20, 2019.

LD 1544 An Act To Enact the Maine Revised Unclaimed Property Act

PUBLIC 498

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM OTP-AM	S-351

This bill repeals Maine's Uniform Unclaimed Property Act and enacts the Maine Revised Unclaimed Property Act. The bill also corrects cross-references.

Committee Amendment "A" (S-351)

This amendment includes the definition of "game-related digital content" from the Revised Uniform Unclaimed Property Act, or Uniform Act, and, consistent with the Uniform Act, exempts it from the definition of property that is subject to the Maine Revised Unclaimed Property Act and excludes it from the definition of "stored-value obligation."

This amendment revises the definition of "owner" to include a creditor.

This amendment amends the provision governing the presumption of abandonment for a payroll card or demand, savings or time deposit to track the language of the Uniform Act to provide that the property is presumed abandoned three years after the maturity of the deposit, deleting the reference to the last indication of interest by the owner.

This amendment provides that the date on which the dormancy period begins to run is the date an insurance company has knowledge of the death of an insured, rather than the date of death as provided in the bill.

The bill provides that a stored-value card is presumed abandoned two years after key events have occurred; this amendment changes that time period to three years.

This amendment removes from the bill language providing that a security is presumed abandoned two years after the date of death of the owner.

This amendment revises the bill to provide that automatic withdrawals previously authorized and automatic reinvestments of dividends and interest are included as an indication of an apparent owner's interest in the property.

This amendment provides that interest on interest-bearing property that has been delivered to the administrator is not payable to the owner for any period before the effective date of the Maine Revised Unclaimed Property Act, unless the prior law authorized such payments. This provision is included in the Uniform Act.

This amendment provides that the administrator may not commence an action or proceeding to enforce the Maine Revised Unclaimed Property Act with respect to the reporting, payment or delivery of property more than five years after the holder filed a nonfraudulent report with the administrator. The parties may agree in a record to extend the limitation. In addition, the administrator may not commence an action, proceeding or examination with respect to a duty of a holder under the Maine Revised Unclaimed Property Act more than 10 years after the duty arose.

This amendment strikes out subchapter 13 in the bill and replaces it with the language of the current Maine Revised Statutes, Title 33, section 1976 with regard to agreements to locate property. This amendment provides that if a

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person with a claim held by the administrator enters into an agreement with a professional investigator licensed in the State, when the administrator has determined that a payment or property should be delivered to the claimant, the administrator is required to deliver the payment or property directly to the professional investigator. When such an agreement is in effect, the administrator is required to provide the claimant or the professional investigator with notice about the approval or denial of a claim.

The bill includes transitional provisions from the Uniform Act that require that when an initial report is filed under the Maine Revised Unclaimed Property Act, it must include all property reportable under the Maine Revised Unclaimed Property Act for the prior 10 years. It also requires that a duty that arose under the existing law to report, pay or deliver property is not relieved by the enactment of the Maine Revised Unclaimed Property Act. This amendment strikes the transition provision from the bill relating to reportable property for the prior 10 years.

Committee Amendment "B" (S-352)

This amendment is the minority report of the committee. It differs from the majority report in two ways.

First, it provides that before the administrator requires a person who is required to file a report with the administrator to be subject to an examination of records by the administrator's contractor to determine compliance, the administrator is required to demand in a record that the person submit a report and deliver property that is previously unreported. The demand must be made at least 60 days before assigning the contractor to conduct the examination. This language is part of the Revised Uniform Unclaimed Property Act.

Second, this amendment prohibits the administrator or an employee of the administrator from being employed or compensated by any entity that is contracted to conduct examinations for two years after the latest participation in, recommendation of or approval of the award or conclusion of the contract. This language is part of the Revised Uniform Unclaimed Property Act.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 498, repeals Maine's Uniform Unclaimed Property Act and enacts the Maine Revised Unclaimed Property Act. The changes to current law include the following:

1. Defining "game-related digital content" and exempting it from the definition of property that is subject to the Maine Revised Unclaimed Property Act.
2. Amending the law to provide that the date on which the dormancy period begins to run is the date an insurance company has knowledge of the death of an insured;
3. Providing that a stored-value card is presumed abandoned three years after key events have occurred;
4. Including automatic withdrawals previously authorized and automatic reinvestments of dividends and interest as an indication of an apparent owner's interest in the property;
5. Providing that the administrator may not commence an action or proceeding to enforce the Maine Revised Unclaimed Property Act with respect to the reporting, payment or delivery of property more than five years after the holder filed a nonfraudulent report with the administrator. The parties may agree in a record to extend the limitation. In addition, the administrator may not commence an action, proceeding or examination with respect to a duty of a holder under the Maine Revised Unclaimed Property Act more than 10 years after the duty arose;
6. Retaining current law with regard to agreements to locate property, but providing that if a person with a claim for property held by the administrator enters into an agreement with a professional investigator licensed in the State, when the administrator has determined that a payment or property should be delivered to the claimant, the

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administrator is required to deliver the payment or property directly to the professional investigator. When such an agreement is in effect, the administrator is required to provide the claimant or the professional investigator with notice about the approval or denial of a claim; and

7. Deleting the usual transition provisions that require that when an initial report is filed under the Maine Revised Unclaimed Property Act, it must include all property reportable under the Maine Revised Unclaimed Property Act for the prior 10 years. It still requires that a duty that arose under the existing law to report, pay or deliver property is not relieved by the enactment of the Maine Revised Unclaimed Property Act.

LD 1554 Resolve, Establishing a Commission To Reform Child Protective Services

CARRIED OVER

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

This resolve establishes the Commission To Reform Child Protective Services. The commission is required to submit a report, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

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

LD 1573 An Act To Clarify Provisions of the Maine Juvenile Code Regarding Inspection, Disclosure and Dissemination of Juvenile Case Records and To Change Gender-specific Terms

PUBLIC 525

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B	OTP-AM	H-651

This bill amends provisions in the Maine Juvenile Code, including:

1. Changing gender-specific terms to gender-neutral terms;
2. Creating definitions, including a definition for "juvenile case records" to include all information, records or documents that may be contained in the court records of a juvenile for an individual case; and
3. Requiring that juvenile case records be kept confidential and only disclosed, disseminated, inspected or obtained by certain parties or certain agencies or by court order.

Committee Amendment "A" (H-651)

The bill requires juvenile case records to be kept confidential and only disclosed, disseminated, inspected or obtained by certain parties or certain agencies or by court order. This amendment clarifies the disclosure, dissemination and inspection of juvenile case records.

The amendment provides that when juvenile case records are inspected by or disseminated to anyone other than parties to the juvenile's case or victims, the court may impose reasonable limitations to protect the identity and safety of third parties, including, but not limited to, victims and other accused or adjudicated juveniles, and the interests of justice.

The amendment provides that the dissemination of juvenile intelligence and investigative record information is

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subject to limitations. It prohibits the further dissemination of juvenile intelligence and investigative record information unless such further dissemination is authorized.

The amendment prohibits a criminal justice agency from confirming the existence or nonexistence of juvenile intelligence and investigative record information that is confidential.

Enacted Law Summary

Public Law 2019, chapter 525 amends provisions in the Maine Juvenile Code. It changes gender-specific terms to gender-neutral terms. It creates definitions, including a definition for "juvenile case records" to include all information, records or documents that may be contained in the court records of a juvenile for an individual case. It provides that when juvenile case records are inspected by or disseminated to anyone other than parties to the juvenile's case or victims, the court may impose reasonable limitations to protect the identity and safety of third parties, including, but not limited to, victims and other accused or adjudicated juveniles, and the interests of justice. It also provides that the dissemination of juvenile intelligence and investigative record information is subject to limitations. It prohibits the further dissemination of juvenile intelligence and investigative record information unless such further dissemination is authorized. It also prohibits a criminal justice agency from confirming the existence or nonexistence of juvenile intelligence and investigative record information that is confidential.

LD 1575 An Act To Improve the Freedom of Access Laws of Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T		

The purpose of this bill is to enhance access to public records without imposing undue burdens on the efficient and effective functioning of government. This bill makes the following changes to the Freedom of Access Act.

1. Current law defines public records that are subject to the Freedom of Access Act as matter in the possession or custody of an agency or public official that has been received or prepared for use in connection with, or that contains information relating to, the transaction of public or governmental business. This bill defines "public or governmental business" as the administration of public policy and the exercise of governmental power through laws, rules, ordinances, regulations and the equivalent.
2. The bill requires that, when requesting to inspect or to receive a copy of a public record, a person must provide to the agency or official with custody of the record sufficient information to identify the record sought. Under the bill, a request for a public record must include, at a minimum, the specific subject matter contained in the record and the date or dates upon which the record was created or a range of dates within which the record may have been created.
3. Current law requires that, within "a reasonable time" of receiving a request for information, the agency or official must provide a good faith, nonbinding estimate of the time within which the agency or official will comply. This bill instead requires that the agency or official, within 30 days of receiving the request, provide to the requester an update on progress on the request and, within 30 days of providing the update, fulfill the request. If the agency or official is unable to fulfill the entirety of the request within the specified time period, the agency or official must provide to the requester an explanation of the reason or reasons it was unable to comply, fulfill those portions of the request that it can fulfill and provide a written estimate of the expected date of compliance with the remainder of the request.
4. The bill directs the Right To Know Advisory Committee to examine the specific challenges of ensuring public access to public records in the face of new and emerging technologies and to develop recommendations that are designed to preserve communications that can be accessed by the public. The Right To Know Advisory Committee

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is directed to report its findings and recommendations to the Joint Standing Committee on Judiciary, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

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

LD 1580 An Act To Protect Licensing Information of Medical Professionals

PUBLIC 499

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP-AM ONTP	H-631

This bill 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 board must notify the applicant or licensee of the request to view the file at the same time the board acknowledges the request under the Freedom of Access Act. The board must use the most recent address on file for that applicant or licensee. If the applicant or licensee would like to review the redacted file before it is made publicly available, the applicant or licensee must notify the board within 10 business days. If requested by the applicant or licensee, the board must send a copy of the redacted file to the applicant or licensee, and the applicant or licensee has 10 business days from when the file is sent to stop the release of all or a part of the redacted licensing file by petitioning the board to withhold release of all or a part of the file because making all or part of the redacted file available to the public creates a potential risk to the personal safety of the applicant or licensee or any third party.

Committee Amendment "A" (H-631)

This amendment, which is the majority report, replaces the bill but retains the basic concept of protecting information in applicants' and licensees' records held by medical licensing boards when the records are requested to be inspected or copied.

This amendment revises terminology to refer to an applicant's or licensee's record rather than a licensing file as in the bill. It requires that the acknowledgement that the licensing board must send to a requester that a request for a record has been received include a description of the review process provided to the applicant or licensee, including the fact that all or part of the record may be withheld if the board finds that disclosure of all or part of the redacted record creates a risk to the applicant's or licensee's personal safety or the personal safety of any third party.

The amendment extends the time for the licensing board to review the applicant's or licensee's petition to withhold all or part of the record from 30 days in the bill to 60 days.

It allows an applicant or licensee who does not agree with the licensing board's decision to seek an injunction in Superior Court.

It clarifies that the restriction on releasing an applicant's or licensee's record does not apply to requests for records from other governmental licensing or disciplinary authorities or from any health care providers located within or outside this State that are concerned with granting, limiting or denying an applicant's or licensee's employment or privileges.

Enacted Law Summary

Public Law 2019, chapter 499, 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 records before the

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respective board makes the file available for inspection or copying after the record has been requested.

The board must notify the applicant or licensee of the request to view the record at the same time the board acknowledges the request under the Freedom of Access Act. If the applicant or licensee would like to review the redacted record before it is made publicly available, the applicant or licensee must notify the board within 10 business days. If requested by the applicant or licensee, the board must send a copy of the redacted record to the applicant or licensee, and the applicant or licensee has 10 business days from when the record is sent to stop the release of all or a part of the redacted record by petitioning the board to withhold release of all or a part of the file because making all or part of the redacted record available to the public creates a potential risk to the personal safety of the applicant or licensee or any third party. The licensing board must review the applicant's or licensee's petition to withhold all or part of the record within 60 days. If the applicant or licensee who does not agree with the licensing board's decision, the applicant or licensee may seek an injunction in Superior Court.

The restriction on releasing an applicant's or licensee's record does not apply to requests for records from other governmental licensing or disciplinary authorities or from any health care providers located within or outside this State that are concerned with granting, limiting or denying an applicant's or licensee's employment or privileges.

**LD 1589 An Act To Protect the Liberty of Immigrants and Asylum Seekers in
Maine**

**Died On
Adjournment**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HICKMAN C BELLOWS S		

This bill establishes the Maine Liberty Act, which governs the relationship of state and local law enforcement agencies, including correctional facilities, with federal immigration authorities, including:

1. Prohibiting a law enforcement agency from stopping, investigating, interrogating, arresting or detaining a person solely for immigration enforcement purposes, including in response to a hold request, immigration detainer or administrative warrant issued by the United States Department of Homeland Security, or allowing the United States Department of Homeland Security access to inmates, inmate information or law enforcement agency facilities or providing law enforcement agency resources or personnel to assist immigration enforcement activities;
2. Clarifying that a law enforcement agency upon a request from the United States Department of Homeland Security may arrest and detain a person and perform other law enforcement duties due to suspected criminal activity or other reasons not solely based on the person's immigration status;
3. Establishing the permissible scope of collaboration of a law enforcement agency with a joint law enforcement task force and requiring reporting to the Attorney General on all arrests made by the task force, including all arrests made for immigration enforcement purposes;
4. Requiring a law enforcement agency to release as soon as possible and detain no longer than 48 hours a person determined to be held solely for immigration enforcement purposes;
5. Establishing duties and prohibitions for law enforcement agencies regarding immigration issues of inmates, including requiring the agency to inform an inmate of the inmate's rights prior to interview by an immigration authority and whether the agency intends to comply with a hold request and prohibiting an agency from restricting access to educational programming and good conduct credits or determining an inmate's custodial status based upon the inmate's immigration status;
6. Requiring the Attorney General to publish a model policy regarding limiting assistance to immigration

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authorities in public facilities and publish guidance, audit criteria and training recommendations to ensure that a database operated by a state or local law enforcement agency limits the availability of database information to immigration authorities; and

7. Requiring a law enforcement agency to record certain information regarding hold requests and certain other information from immigration authorities received by the agency and to report quarterly to the Attorney General on this information.

LD 1596 An Act To Enhance the Long-term Stability of Certain At-risk Youth

PUBLIC 366

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-544

This bill provides that the District Court has jurisdiction to consider petitions filed by at-risk noncitizens who are 18 years of age or older and under 21 years of age and the Probate Court has jurisdiction for at-risk noncitizens who are under 18 years of age. The courts are required to expeditiously issue findings of fact, rulings of law and dependency or custody determinations on these petitions.

Committee Amendment "A" (H-544)

This amendment removes the provision in the bill that an at-risk noncitizen child is not required to include as a respondent a parent with whom reunification may be a viable option in order to leave that determination to the discretion of the court in each case.

The amendment makes clear that courts have the authority to issue special orders for the protection, well-being, care and custody of at-risk noncitizen children for whom a remedy is not otherwise available or appropriate under the Maine Revised Statutes, Title 18-C, Title 19-A or Title 22.

The amendment clarifies that the new provisions do not preclude the at-risk noncitizen child from seeking other remedies that are available to protect the child from further abuse or other harm or that provide support.

This amendment removes the emergency preamble and emergency clause from the bill.

Enacted Law Summary

Public Law 2019, chapter 366, provides that the District Court has jurisdiction to consider petitions filed by at-risk noncitizens who are 18 years of age or older and under 21 years of age and the Probate Court has jurisdiction for at-risk noncitizens who are under 18 years of age. The courts are required to expeditiously issue findings of fact, rulings of law and dependency or custody determinations on these petitions. It makes clear that courts have the authority to issue special orders for the protection, well-being, care and custody of at-risk noncitizen children for whom a remedy is not otherwise available or appropriate under the Maine Revised Statutes, Title 18-C, Title 19-A or Title 22. The new provisions do not preclude the at-risk noncitizen child from seeking other remedies that are available to protect the child from further abuse or other harm or that provide support.

LD 1598 An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEAN A POULIOT M		

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This bill establishes responsibility for the repair and maintenance of private roads and private ways that benefit residential properties. Unless there is an agreement, restriction, covenant or road association that specifies the cost to be paid by each owner of a benefited property, the cost is shared in proportion to the benefit received by each owner of benefited property. An owner who damages a private road or private way that benefits other residential properties is solely responsible for the cost of repairs to fix the damage. An owner who fails to comply may be forced to comply through an action brought by other owners on the private road or private way.

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

LD 1609 An Act To Set Off Court Fines, Surcharges and Assessments against Lottery Winnings PUBLIC 304

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

This bill requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to set off lottery winnings against monetary fines, surcharges and assessments imposed by a court of the State. The bill also establishes an order of priority the bureau must follow if there is more than one claim to the lottery winnings pursuant to state law or court order.

Enacted Law Summary

Public Law 2019, chapter 304, requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to set off lottery winnings against monetary fines, surcharges and assessments imposed by a court of the State. It establishes an order of priority the bureau must follow if there is more than one claim to the lottery winnings pursuant to state law or court order.

LD 1612 An Act Regarding the Presumption of Abandonment of Gift Obligations HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S LIBBY N	OTP-AM	H-613 S-366 BREEN C

Under current law, a gift obligation card, which includes a gift certificate, gift card and online gift account, is considered abandoned two years after the expiration of the calendar year in which it was purchased or last used. This bill removes the presumption of abandonment for gift obligation cards.

Committee Amendment "A" (H-613)

This amendment provides that this legislation, which exempts gift obligation cards from the Uniform Unclaimed Property Act by establishing that a gift obligation card is never presumed abandoned, is effective January 1, 2021 and applies to gift obligation cards sold on or after January 1, 2021.

Senate Amendment "A" To Committee Amendment "A" (S-366)

This amendment provides that the amount of a gift obligation's face value that is unclaimed for purposes of the Uniform Unclaimed Property Act is 60% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2018 or earlier; 40% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2019; 20% for gift obligations issued or whose most

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recent transaction, whichever is later, occurred during calendar year 2020; and 0% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2021 or thereafter.

LD 1653 Resolve, Establishing the Conference To Address and Improve Relations between Maine Indian Tribes and the Legislature **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DILLINGHAM K JACKSON T		

This resolve establishes the Conference To Address and Improve Relations between Maine Indian Tribes and the Legislature to develop meaningful conversations among the members of the conference on communication and policy differences that led to the breakdown between the Legislature and the tribal representatives to the Legislature and how better to communicate and improve the relationship between the Legislature and Maine Indian Tribes. Ex officio members of the conference are the President of the Senate, the Speaker of the House, the Senate Minority Leader and the House Minority Leader, who are directed to invite as members of the conference the Chief of the Aroostook Band of Micmacs, the Chief of the Houlton Band of Maliseet Indians, the Chief of the Penobscot Indian Nation, the Chief of the Passamaquoddy Tribe at Indian Township and the Chief of the Passamaquoddy Tribe at Pleasant Point.

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

LD 1670 An Act To Limit the Dissemination of Juvenile Records **HELD BY GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	OTP-AM ONTP	H-594

This bill provides for the sealing of juvenile records.

The bill changes the sealing process for juvenile records to provide that at the time a person who is adjudicated to have committed a juvenile crime is discharged from the disposition ordered for that juvenile crime, the court is required to automatically and immediately enter an order sealing from public inspection all records pertaining to the juvenile crime and its disposition.

Committee Amendment "A" (H-594)

The bill provides for the automatic sealing of all records of juvenile crimes once the juvenile is finally discharged from the disposition ordered for the crime.

This amendment restores the three-year waiting period after discharge and the petition process for sealing records of juvenile crimes and provides that the petition process applies to crimes that, if the juvenile were an adult, would constitute murder, aggravated attempted murder, attempted murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault on a pregnant person, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery, any Class A or Class B sex crimes or operating under the influence.

This amendment clarifies that the court is required to seal the record for other juvenile crimes when it receives appropriate notice that the juvenile has been finally discharged from the disposition ordered. That notice must come

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from the Department of Corrections, the district attorney or the juvenile or the juvenile's attorney. If the juvenile or the juvenile's attorney is providing the notice, the notice must first be served on the office of the district attorney who prosecuted the juvenile crime.

This amendment provides that the court must send the order sealing the record to the Department of Public Safety, Bureau of State Police, State Bureau of Identification, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources or the Department of the Secretary of State, Bureau of Motor Vehicles, as appropriate.

This amendment provides that if the juvenile crime for which the person was adjudicated disqualifies the person from possessing a firearm as provided in the Maine Revised Statutes, Title 15, section 393, the sealing of the record does not affect the prohibition on possession of a firearm by that person.

LD 1672 An Act Regarding the Admissibility of Certain Health Care Records as Evidence

Leave to Withdraw Pursuant to Joint Rule

Sponsor(s)
BAILEY D

Committee Report

Amendments Adopted

This bill makes changes to the law governing the admissibility of health care records as evidence in court. It specifies that records, including itemized bills, kept by health care practitioners, health care entities, health care providers, pharmacists and pharmacies may be admissible in court as evidence of: (1) the fair and reasonable charge for such services or the necessity of services or treatments; (2) the diagnosis provided by the medical entity; (3) the prognosis provided by the medical entity; (4) the opinion provided by the medical entity regarding the proximate cause of the condition diagnosed by the medical entity; and (5) the opinion provided by the medical entity regarding any disability or incapacity proximately resulting from the condition diagnosed by the medical entity.

LD 1684 An Act To Clarify the Right to Counsel for Juveniles and Improve Due Process for Juveniles

CARRIED OVER

Sponsor(s)
MORALES V
MILLETT R

Committee Report

Amendments Adopted

Currently, Maine has no minimum age at which a child may be prosecuted for a crime. The purpose of this bill is to prevent children under 12 years of age from being prosecuted for crimes, to prevent children under 14 years of age from being incarcerated, to eliminate the current requirement that, if committed, a juvenile must be committed for at least a year and to prevent courts from imposing dispositions against juveniles that involve commitment without exhausting all other less restrictive alternatives. The bill also mandates regular opportunities for judicial review of a juvenile's commitment in addition to providing an appellate avenue for relief from unfavorable reviews.

The bill provides that if a court imposes a disposition that involves incarceration, the court must conduct a detailed analysis on the record explaining the rationale for the disposition. Such a disposition is authorized only if the court finds certain criteria by clear and convincing evidence. If the court commits a juvenile to a facility, the bill requires periodic judicial review of the incarceration to ensure that the rehabilitative purposes of incarceration are not being outweighed by the harm caused by incarceration.

The overarching goal of this bill is to ensure that fewer children are in the juvenile justice system and that, if and

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when they do become involved in the system, there is a presumption against incarceration and a requirement for the regular review of any commitment imposed, in order to minimize the harm that incarceration can cause children.

This bill amends the statute governing a juvenile's right to counsel to specify that the right to counsel attaches at the juvenile's initial appearance and continues until the court no longer has jurisdiction over the juvenile, including all post-dispositional hearings and during the time of commitment. This bill also requires counsel appointed by the court to continue to represent the juvenile throughout all proceedings concerning the juvenile, unless relieved by the court.

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

LD 1688 An Act To Protect Original Birth Certificates

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D HEPLER A	ONTP	

This bill repeals the law authorizing the creation of a new birth certificate for an adopted person and it removes the provision that requires the sealing of the original birth certificate. The bill allows a person born in this State to retain that person's original birth certificate, even if that person is adopted. This change does not affect a person born in a foreign country who is adopted in this State. A person adopted before October 1, 2019 will still need to follow the current statutory procedure to receive access to that person's original birth certificate upon attaining 18 years of age. This bill requires a certificate of birth for a child who is being adopted to be amended to include the adoptee's new name and the adoptive parent's name or parents' names and personal data.

LD 1695 An Act Regarding the Law Governing the Disclosure of Vital Records

ONTP

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

This bill makes the following changes to the laws governing vital records.

1. It provides that certificates and records of birth, marriage, intentions to marry, domestic partnerships and death, including fetal death, are open to the public without restriction. It allows any person to inspect and purchase noncertified copies of these vital records. Certified copies of these records may be purchased only by those persons specified in law.
2. It provides that inspection of certificates and records includes visual and physical access to the original certificate or record when no alternative method of inspection is available, subject to rules designed to protect the physical integrity and condition of the certificates and records.
3. It provides that indices to certificates and records of birth, marriage, intentions to marry, domestic partnerships and death, including fetal death, at the municipal and state levels are open to the public without restriction.
4. It directs the State Registrar of Vital Statistics to enter into a long-term nonexclusive contract with a private entity experienced in maintaining genealogical research databases to create, maintain and update at no direct cost to the State an online index to records of birth, marriage, intentions to marry, domestic partnerships and death, including fetal death, in exchange for allowing the private entity to also provide that index to its subscribers and

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customers. The online index must include the names of persons appearing on the certificate or record, the municipality in which the certificate or record was recorded, the date of the event and the certificate number for the certificate or record number for the record.

LD 1701 An Act To Clarify Various Provisions of the Maine Human Rights Act

PUBLIC 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP ONTP	H-652 BAILEY D

This bill makes changes to the Maine Human Rights Act in order to clarify its proper application and interpretation. In particular, the bill describes the behaviors that may constitute harassment in reference to unlawful discrimination; clarifies the Act's coverage of claims based on association and based on the perception that an individual belongs to a protected class; and provides a definition of "gender identity." The bill provides needed clarification related to several Maine Human Rights Act provisions highlighted by recent court decisions, including confirming that a leave of absence can be a reasonable accommodation for a disability in employment, and that individual employees may be liable for their discriminatory behavior in certain circumstances. The bill also makes grammatical changes and corrects cross-references.

House Amendment "A" (H-652)

This amendment make several changes to the bill, including removing the description of behaviors that might constitute harassment in reference to unlawful discrimination, removing the phrase "bona fide nonprofit" and removing language that would have held individual employees liable for their discriminatory behavior in certain circumstances.

Enacted Law Summary

Public Law 2019, chapter 464, makes changes to the Maine Human Rights Act in order to clarify its proper application and interpretation. In particular, chapter 464 clarifies the Act's coverage of claims based on association and based on the perception that an individual belongs to a protected class; and provides a definition of "gender identity." Chapter 464 provides needed clarification related to several Maine Human Rights Act provisions highlighted by recent court decisions, including confirming that a leave of absence can be a reasonable accommodation for a disability in employment. It also prohibits any public accommodation to designate a single-occupancy toilet facility as for use only by members of one sex. A single-occupancy toilet facility may be identified by a sign, as long as the sign does not indicate that the facility is for use by members of one specific sex.

LD 1702 An Act To Enhance the Administration of the Maine Human Rights Act

PUBLIC 465

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM ONTP	H-642 H-653 BAILEY D

This bill amends the Maine Human Rights Act so as to make more efficient the processing and investigation of complaints. The bill:

1. Specifies that the Act must be construed to provide broad protection from discrimination; that it may not be construed to provide less coverage than the federal law; and that the interpretation of the Act by the Maine Human Rights Commission is entitled to deference by the court;
2. Authorizes the executive director of the commission to appoint or hire additional necessary personnel subject to

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the Civil Service Law;

3. Replaces certain references to the enumerated potential bases for discrimination with references to "protected class characteristics, membership or status;"
4. Specifies that funds received by the commission for the purpose of implementing a third-party neutral mediation program are not subject to any statewide cost allocation plan;
5. Designates as confidential certain information that is collected during the investigation of a complaint under the Act and exempts such information from the definition of "public record" for purposes of the Freedom of Access Act;
6. Authorizes the executive director of the commission to administratively dismiss a complaint brought under the Act for specified reasons;
7. Provides that any post-finding conciliation agreement that includes the commission as a signatory is a public record;
8. Authorizes the executive director to issue a right-to-sue letter in any case in which the commission has not filed a civil action in the case or has not entered into a conciliation agreement in the case within 180 days of the complaint being filed, whether or not such a letter has been requested by the complainant; and
9. Prohibits the awarding of attorney's fees and costs to the commission and specifies that the commission is not liable to pay attorney's fees and costs of another party.

Committee Amendment "A" (H-642)

This amendment, which is the majority report, removes from the bill the proposed authority of director of the Maine Human Rights Commission to issue a right-to-sue letter without a request.

House Amendment "A" (H-653)

This amendment removes language regarding the construction of the Maine Human Rights Act and the interpretation of rules of the Maine Human Rights Commission, and removes authorization for the appointment or hiring of additional commission personnel.

Enacted Law Summary

Public Law 2019, chapter 465 amends the Maine Human Rights Act so as to make more efficient the processing and investigation of complaints. Chapter 465:

1. Replaces certain references to the enumerated potential bases for discrimination with references to "protected class characteristics, membership or status;"
2. Specifies that funds received by the commission for the purpose of implementing a third-party neutral mediation program are not subject to any statewide cost allocation plan;
3. Designates as confidential certain information that is collected during the investigation of a complaint under the Act and exempts such information from the definition of "public record" for purposes of the Freedom of Access Act;
4. Authorizes the executive director of the commission to administratively dismiss a complaint brought under the Act for specified reasons;
5. Provides that any post-finding conciliation agreement that includes the commission as a signatory is a public record; and

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6. Prohibits the awarding of attorney's fees and costs to the commission and specifies that the commission is not liable to pay attorney's fees and costs of another party.

LD 1703 An Act To Improve Consistency within the Maine Human Rights Act

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM ONTP	H-643 S-349 CARPENTER M H-654 BAILEY D

The purpose of this bill is to address inconsistencies in the protections provided in different areas of jurisdiction under the Maine Human Rights Act. The bill provides more inclusive protection by:

1. Including adult family members dependent for care in the definition of "familial status";
2. Including familial status as a protected class in employment;
3. Including age as a protected class in public accommodations;
4. Providing that public entities cannot discriminate on the basis of protected class; and
5. Clarifying the scope of the Maine Human Rights Act application in education.

The bill also clarifies the protections provided to pregnant persons in employment and that the sexual orientation provisions already in the Maine Human Rights Act extend to gender identity.

Committee Amendment "A" (H-643)

This amendment is the majority report of the committee. This amendment removes housing from the list in the policy section of activities for which it is illegal to discriminate on the basis of age. The bill clarifies the Maine Human Rights Act by adding "or gender identity" where the phrase "sexual orientation" currently is in place; the amendment does the same throughout the rest of the Maine Revised Statutes.

Senate Amendment "A" (S-349)

This amendment strikes from the bill the clarifications of protections provided to pregnant persons in employment because they are covered by LD 666.

House Amendment "A" (H-654)

This amendment removes references to bona fide nonprofits regarding religious entities.

LD 1709 An Act To Amend the Act To Implement the Maine Indian Claims Settlement

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B JACKSON T		

Current law provides that federal laws adopted after October 10, 1980 for the benefit of Indians, Indian nations or tribes or bands of Indians that would affect or preempt the application of the laws of this State, including application

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of the laws of the State to lands owned by or held in trust for Indians or Indian nations, tribes or bands of Indians do not apply within this State unless the subsequently enacted federal law is specifically made applicable within this State.

This bill directs the Governor or the Governor's designee to maintain active communications with all the members of the Maine congressional delegation about the introduction of any such legislation in the United States Senate or the United States House of Representatives. The Governor or the Governor's designee is required to submit a report within 10 days of the introduction of such legislation to the President of the Senate, the Speaker of the House of Representatives, the Attorney General and the Chair of the Maine Indian Tribal-State Commission. In addition, the Governor or the Governor's designee is required to submit an annual report about such legislation, including its status and disposition. The information in the reports will assist the President of the Senate, Speaker of the House, Attorney General and Maine Indian Tribal-State Commission in deciding how to work with the Maine congressional delegation to ensure the tribes in Maine are included in federal legislation when appropriate.

This bill amends the Act to Implement the Maine Indian Claims Settlement to specifically state that the Passamaquoddy Tribe and the Penobscot Nation have the same rights, privileges, powers and immunities as a sovereign and repeals the requirement that all Indians, Indian nations and tribes and bands of Indians and any lands or other resources owned or held for them are subject to the laws of Maine and to the jurisdiction of Maine courts. The bill provides the same level of immunity to the Passamaquoddy Tribe and the Penobscot Tribe and their officers and employees as is enjoyed by officers and employees of the State. Finally, the bill repeals the provision of the Implementing Act that subjects all Indians and Indian nations or tribe or band of Indians to taxes and fees.

The changes to the Implementing Act do not take effect unless approved by the Governor and Council of the Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe within 90 days after adjournment of the First Regular Session of the 129th Legislature.

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

**LD 1731 An Act Regarding Representation of the Department of Marine
Resources in Libel Proceedings**

PUBLIC 449

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BLUME L	OTP-AM	H-633

This bill allows a person who is not an attorney to represent the Department of Marine Resources in libel proceedings before a District Court under the laws regarding the seizure and disposition of equipment and organisms.

Committee Amendment "A" (H-633)

This amendment clarifies that the person who is not an attorney but is representing the Department of Marine Resources in a libel proceeding in District Court must be a marine patrol officer.

Enacted Law Summary

Public Law 2019, chapter 449 allows a Marine Patrol Officer who is not an attorney to represent the Department of Marine Resources in libel proceedings before a District Court under the laws regarding the seizure and disposition of equipment and organisms.

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LD 1759 An Act Regarding the Electronic Data and Court Records Filed in the Electronic Case Management System of the Supreme Judicial Court

CARRIED OVER

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

This bill requires the Supreme Judicial Court to develop and adopt rules regarding court records and documents retained by the courts in an electronic case management system. The rules must reflect the presumption that court records are open to the public except in certain circumstances when necessary to protect private, personal or confidential information, data and documents or when designated confidential by state or federal statute or by court rule or order. The presumption that court records are public does not preclude the imposition of reasonable fees for access to those records.

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

LD 1771 An Act To Amend the Law Governing Name Changes

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RECKITT L		

This bill amends the law governing name changes to allow a probate judge to limit the notice requirement for anyone who shows by a preponderance of the evidence that the person seeking the name change is in reasonable fear of the person's safety, not just for domestic abuse victims.

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

LD 1790 An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information

PUBLIC 451

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J JACKSON T	OTP-AM	H-638

This bill amends the law governing the confidentiality of personal information of municipal employees to parallel the same protections provided for state employees and establishes as confidential any genetic information and information about the sexual orientation of employees contained in the records of the municipality. This bill also amends the state employee personnel records provisions to include confidentiality of genetic information and sexual orientation and amends the laws governing county and municipal employee personnel records to match.

Committee Amendment "A" (H-638)

The purpose of the bill is to provide consistency among state, county and municipal employees regarding the protection of private information.

The amendment replaces the paragraph amended in the bill on private information of state employees to adopt the same format as for the private information of county and municipal employees. It includes ethnicity in the private

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information of state employees to provide consistency and includes gender identity in all three statutes governing private information.

The amendment adds language to each statute to ensure that aggregated private information about state, county and municipal employees is publicly accessible.

Enacted Law Summary

Public law 2019, chapter 451, amends the laws governing the confidentiality of personal information of public employees to provide parallel protections for private information of state, county and municipal employees. Chapter 451 includes protection of genetic information and information about the sexual orientation and gender identity of employees contained in the records of the governmental entity. Chapter 451 provides that aggregated private information about state, county and municipal employees is publicly accessible.

LD 1794 An Act To Amend the Service Fee for Child Support Services

PUBLIC 400

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GRATWICK G	OTP-AM	S-291

This bill amends the service fee for child support services to \$35 annually for those individuals receiving at least \$550 in support collected for the federal fiscal year.

Committee Amendment "A" (S-291)

This amendment incorporates a fiscal note.

Enacted Law Summary

Public Law 2019, chapter 400, amends the service fee for child support services to \$35 annually for those individuals receiving at least \$550 in support collected for the federal fiscal year.

LD 1811 An Act To Enhance Personal and Public Safety by Requiring Evaluations of and Judicial Hearings for Persons in Protective Custody Regarding Risk of Harm and Restricting Access to Dangerous Weapons

PUBLIC 411

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KEIM L	OTP-AM OTP-AM	S-357

Current law authorizes law enforcement to take a person into protective custody for evaluation by a medical practitioner as protection from imminent threats of substantial self-inflicted harm or substantial harm to others. Part A of this bill requires that a medical practitioner evaluate the history, recent actions and behaviors of a person taken into protective custody and determine whether there is a reasonable likelihood that the person's mental health will deteriorate; whether the person will in the foreseeable future pose a likelihood of serious harm; and whether any such likelihood of harm is exacerbated by the person's immediate access to a firearm or other dangerous weapon. A medical practitioner must certify this evaluation and, if the evaluation is certified in the affirmative, the person is required to surrender any dangerous weapons possessed or controlled by that person to a law enforcement officer pending a judicial review hearing to be held within 14 days. A court then determines whether to dissolve or continue those restrictions for one year. When the person is determined by a court to no longer present a substantial threat, the restrictions end and the weapons are returned. Part B of this bill requires that a court make similar determinations for a person enrolled in the progressive treatment program. When a person in that program is no longer determined by a court to present a substantial threat, the restrictions end and the weapons are returned. Part

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C makes related changes to the laws governing the Extradition and Prosecution Expenses Account; possession of firearms by prohibited persons; law enforcement agency written policy requirements; and law enforcement agency training requirements.

Committee Amendment "A" (S-357)

This amendment, which is the majority report, replaces the bill but retains the purpose of providing an alternative to law enforcement to take into protective custody and have assessed a person who presents a likelihood of foreseeable harm to the person or to others.

"Likelihood of foreseeable harm" is defined as a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

The law enforcement officer is directed to have the person in protective custody assessed by a medical practitioner. If the assessment finds that the person presents a likelihood of foreseeable harm, the law enforcement officer must seek an endorsement from a judicial officer that the person presents a likelihood of foreseeable harm, which authorizes law enforcement to notify the person that the person is a restricted person and is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing. The restricted person must immediately and temporarily surrender any weapon possessed, controlled or acquired by the restricted person to a law enforcement officer.

A restricted person who makes all practical and immediate efforts to comply with a surrender notice is not subject to arrest or prosecution as a prohibited person under the Maine Revised Statutes, Title 15, section 393, subsection 1, paragraph E-1 or E-2. If a law enforcement agency has probable cause to believe the restricted person possesses or controls but has not surrendered a weapon, law enforcement may, prior to or as part of a judicial hearing, search for and seize such a weapon when authorized by a judicially issued warrant or other circumstances approved by law.

The district attorney is required to file a petition for judicial review of the initial restrictions by the District Court. Within 14 days of the notice of restricted status given to the restricted person, the court is required to hold a hearing to determine whether to dissolve or extend the initial restrictions. The restricted person has the right to be represented by counsel. The district attorney has the burden of proving by clear and convincing evidence that the restricted person presents a likelihood of foreseeable harm. The court may dissolve the initial restrictions or extend them for up to one year.

This amendment directs the executive branch to work with medical practitioners and law enforcement to develop and release, by January 1, 2020, a request for proposals for the development and acquisition of the technology necessary to enable assessments under Title 34-B, section 3862-A at locations other than health care facilities.

By February 1, 2020, the Department of Public Safety must develop a plan, including any cost estimates, to implement a database system to support this legislation.

The provisions for assessments for likelihood of foreseeable harm and restricted person status take effect July 1, 2020.

Committee Amendment "B" (S-358)

This amendment, which is the minority report, replaces the bill but retains the purpose of providing an alternative to law enforcement to take into protective custody and have assessed a person who presents a likelihood of foreseeable harm to the person or to others. It differs from the majority report in two ways.

First, it authorizes a law enforcement officer to take a person into protective custody on probable cause to believe

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that the person presents a likelihood of foreseeable harm.

Second, it provides that the assessments qualify for the same payment of private or public insurance applicable to assessments under the Maine Revised Statutes, Title 34-B, section 3863.

This amendment was not adopted.

Enacted Law Summary

Public Law 2019, chapter 411 provides an alternative for law enforcement to take into protective custody and have assessed a person who presents a likelihood of foreseeable harm to the person or to others.

"Likelihood of foreseeable harm" is defined as a substantial risk in the foreseeable future of serious physical harm to the person as manifested by recent behaviors or threats of, or attempts at, suicide or serious self-inflicted harm; or a substantial risk in the foreseeable future of serious physical harm to other persons as manifested by recent homicidal or violent behavior or by recent conduct or statements placing others in reasonable fear of serious physical harm.

The law enforcement officer is directed to have the person in protective custody assessed by a medical practitioner. If the assessment finds that the person presents a likelihood of foreseeable harm, the law enforcement officer must seek an endorsement from a judicial officer that the person presents a likelihood of foreseeable harm, which authorizes law enforcement to notify the person that the person is a restricted person and is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing. The restricted person must immediately and temporarily surrender any weapon possessed, controlled or acquired by the restricted person to a law enforcement officer.

A restricted person who makes all practical and immediate efforts to comply with a surrender notice is not subject to arrest or prosecution as a prohibited person under the Maine Revised Statutes, Title 15, section 393, subsection 1, paragraph E-1 or E-2. If a law enforcement agency has probable cause to believe the restricted person possesses or controls but has not surrendered a weapon, law enforcement may, prior to or as part of a judicial hearing, search for and seize such a weapon when authorized by a judicially issued warrant or other circumstances approved by law.

The district attorney is required to file a petition for judicial review of the initial restrictions by the District Court. Within 14 days of the notice of restricted status given to the restricted person, the court is required to hold a hearing to determine whether to dissolve or extend the initial restrictions. The restricted person has the right to be represented by counsel. The district attorney has the burden of proving by clear and convincing evidence that the restricted person presents a likelihood of foreseeable harm. The court may dissolve the initial restrictions or extend them for up to one year.

Public Law 2019, chapter 411, directs the executive branch to work with medical practitioners and law enforcement to develop and release, by January 1, 2020, a request for proposals for the development and acquisition of the technology necessary to enable assessments under Title 34-B, section 3862-A at locations other than health care facilities.

By February 1, 2020, the Department of Public Safety must develop a plan, including any cost estimates, to implement a database system to support this legislation.

The provisions for assessments for likelihood of foreseeable harm and restricted person status take effect July 1, 2020.

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**LD 1831 An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of
Maine**

**PUBLIC 501
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

OTP-AM

H-647

This bill makes technical changes to the laws of Maine.

Committee Amendment "A" (H-647)

This amendment makes additional corrections to the Laws of Maine.

Enacted Law Summary

Public Law 2019, chapter 501, makes technical corrections to the Laws of Maine.

Public Law 2019, chapter 501, was enacted as an emergency measure effective June 28, 2019.

**LD 1846 An Act To Fund Collective Bargaining Agreements with Certain Judicial
Department Employees**

**PUBLIC 502
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

BAILEY D

This bill authorizes funding of the collective bargaining agreements reached by the Judicial Department and the four bargaining units representing Judicial Department employees.

This bill was not referred to committee.

Enacted Law Summary

Public Law 2019, chapter 502, authorizes funding of the collective bargaining agreements reached by the Judicial Department and the four bargaining units representing Judicial Department employees.

Public Law 2019, chapter 502 was enacted as an emergency measure effective June 28, 2019

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SUBJECT INDEX

Attorney General and District Attorneys

Enacted

LD 540	An Act Regarding Qualifications for District Attorneys	PUBLIC 85
LD 1219	An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers	PUBLIC 435

Not Enacted

LD 1388	Resolve, Directing the Attorney General To Pursue the State's Claim That It Holds Title to Maine's Intertidal Lands	ONTP
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Business and Nonprofit Organizations

Enacted

LD 894	An Act To Expressly Allow Nonprofit Corporations To Conduct Electronic Voting	PUBLIC 200
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Not Enacted

LD 60	An Act To Require the Disclosure of the Names of Members of a Limited Liability Company	Leave to Withdraw Pursuant to Joint Rule 310
LD 1423	An Act To Require Corporate Transparency When Taxpayer Funding Is Provided	ONTP

Child Abuse and Child Protection

Not Enacted

LD 187	An Act To Restore the Laws Governing the Reunification of Parents and Children	Died Between Houses
LD 328	An Act To Institute Safe Children Court Team Programs	ONTP

LD 471	An Act To Amend the Child and Family Services and Child Protection Act To Require the Department of Health and Human Services To Make Best Efforts To Prevent Removal of a Child from a Home	ONTP
LD 787	An Act To Support Victims of Child Sexual Abuse	Leave to Withdraw Pursuant to Joint Rule 310
LD 916	An Act To Improve the Child Protective Court System	ONTP
LD 1554	Resolve, Establishing a Commission To Reform Child Protective Services	CARRIED OVER

Civil Actions

Enacted

LD 1100	An Act To Clarify the Contents of the Complete Agency Record in the Appeal of an Agency's Failure or Refusal To Act	PUBLIC 111
LD 1133	An Act To Require That Hospital Liens Be Satisfied on a Just and Equitable Basis	PUBLIC 270

Not Enacted

LD 194	An Act To Allow the Reduction of a MaineCare Lien	CARRIED OVER
LD 698	An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch	CARRIED OVER
LD 1045	An Act Regarding Bad Faith Assertions of Patent Infringement	ONTP
LD 1233	An Act Regarding Offers of Settlement	Leave to Withdraw Pursuant to Joint Rule 310
LD 1672	An Act Regarding the Admissibility of Certain Health Care Records as Evidence	Leave to Withdraw Pursuant to Joint Rule 310

Constitutional Issues

Enacted

LD 627	An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices	PUBLIC 489
LD 1475	An Act To Eliminate Profiling in Maine	PUBLIC 410

Not Enacted

LD 433	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual	CARRIED OVER
LD 1449	An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities	Died on Adjournment
LD 1589	An Act To Protect the Liberty of Immigrants and Asylum Seekers in Maine	Died on Adjournment

Courts and Court Procedure

Enacted

LD 1516	An Act To Improve Efficiency in Communication in the Court System	PUBLIC 497
LD 1609	An Act To Set Off Court Fines, Surcharges and Assessments against Lottery Winnings	PUBLIC 304
LD 1731	An Act Regarding Representation of the Department of Marine Resources in Libel Proceedings	PUBLIC 449
LD 1846	An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees	PUBLIC 502 EMERGENCY

Not Enacted

LD 208	An Act Regarding Small Claims Court Jurisdiction	ONTP
LD 357	An Act Regarding Court Facilities in York County	Died Between Houses
LD 536	An Act To Direct the Judicial Branch To Establish a Veterans Treatment Court	ONTP
LD 588	An Act To Confer Maine Jurisdiction in Civil Suits Involving Certain Contracts	Leave to Withdraw Pursuant to Joint Rule 310
LD 634	An Act Regarding Implementation of Differentiated Case Management in the Judicial Branch	Leave to Withdraw Pursuant to Joint Rule 310
LD 644	An Act To Improve Safety at State Courthouses	ONTP
LD 781	An Act To Increase Judicial Compensation	ONTP

LD 1073	Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast	CARRIED OVER
LD 1380	An Act To Transfer the Violations Bureau from the Courts to the Office of the Secretary of State	CARRIED OVER
LD 1442	An Act To Provide for Court-appointed Advocates for Justice in Animal Cruelty Cases	HELD BY GOVERNOR

Courts, Jury Duty

Not Enacted

LD 9	An Act To Increase Juror Compensation	ONTP
LD 279	An Act To Raise Juror Pay to \$50 per Day	CARRIED OVER

Criminal Law and Procedure

Enacted

LD 800	An Act To Amend Mandatory Law Enforcement Agency Policies Regarding Recording Suspects To Include Cases of Murder and Class A, Class B and Class C Crimes	PUBLIC 466
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Not Enacted

LD 302	An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence	CARRIED OVER
LD 801	An Act Regarding Recording of Witness Interviews	Veto Sustained
LD 1061	An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons	CARRIED OVER

Criminal Records and Juvenile Records

Enacted

LD 764	Resolve, To Create the Criminal Records Review Committee	RESOLVE 90 EMERGENCY
LD 1573	An Act To Clarify Provisions of the Maine Juvenile Code Regarding Inspection, Disclosure and Dissemination of Juvenile Case Records and To Change Gender-specific Terms	PUBLIC 525

Not Enacted

LD 776	An Act Regarding Post-judgment Motion by a Person Seeking To Satisfy the Prerequisites for Obtaining Special Restrictions on the Dissemination and Use of Criminal History Record Information for Certain Criminal Convictions	CARRIED OVER
LD 846	Resolve, To Provide for the Sealing of Records of Convictions for Marijuana-related Violations That Are No Longer Crimes	ONTP
LD 991	Resolve, To Expunge Criminal and Civil Records Related to Marijuana Activities Legalized by the Voters of Maine	ONTP
LD 1113	An Act To Change Procedures of the Governor's Board on Executive Clemency and To Seal Marijuana Convictions	ONTP
LD 1381	An Act To Create a Post-judgment Mechanism To Provide Relief to Victims of Sexual Exploitation and Sex Trafficking	ONTP
LD 1670	An Act To Limit the Dissemination of Juvenile Records	

Family Law, General

Enacted

LD 479	An Act Concerning Spousal Support	PUBLIC 275
LD 831	An Act Concerning Visitation Rights of Great-grandparents	PUBLIC 197
LD 998	Resolve, Requiring the Collection of Data on the Marriage of Minors	RESOLVE 46
LD 1794	An Act To Amend the Service Fee for Child Support Services	PUBLIC 400

Not Enacted

LD 545	An Act To Ban Child Marriage	HELD BY GOVERNOR
LD 856	An Act To Give Probate Judges Latitude in Permitting Visitation by Grandparents	ONTP
LD 1291	An Act To Update the Maine Parentage Act	CARRIED OVER

Foreclosure

Enacted

LD 907	An Act To Ensure That Defendants in Foreclosure Proceedings Receive Proper Notification	PUBLIC 361
LD 1327	An Act To Require Residential Mortgage Loan Servicers To Act in Good Faith in Dealings with Homeowners	PUBLIC 363
LD 1405	An Act To Amend the Laws Governing Foreclosure To Ensure Timely Completion	PUBLIC 408

Not Enacted

LD 1175	An Act To Ensure the Timely and Proper Completion of Residential Foreclosures	ONTP
LD 1522	An Act To Amend the Laws Regarding Orders of Abandonment for Residential Properties in Foreclosure	ONTP

Freedom of Access/Confidentiality/Privacy

Enacted

LD 475	An Act Concerning Caller Access to E-9-1-1 Call Recordings	PUBLIC 84
LD 868	An Act To Require That the Terms of a Settlement to Which a Governmental Entity is a Party Be Made Available to the Public	PUBLIC 215
LD 1414	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act	PUBLIC 247
LD 1416	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials	PUBLIC 300
LD 1580	An Act To Protect Licensing Information of Medical Professionals	PUBLIC 499
LD 1790	An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information	PUBLIC 451

Not Enacted

LD 409	An Act To Allow Fair Access to Child Advocacy Center Records	ONTP
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LD 639	An Act To Protect Student Privacy	CARRIED OVER
LD 1183	Resolve, To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation by Members of Public Bodies	ONTP
LD 1301	An Act Regarding the Confidentiality of Investigations by the Bureau of Forestry	Leave to Withdraw Pursuant to Joint Rule 310
LD 1511	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	Died Between Houses
LD 1575	An Act To Improve the Freedom of Access Laws of Maine	CARRIED OVER
LD 1688	An Act To Protect Original Birth Certificates	ONTP
LD 1695	An Act Regarding the Law Governing the Disclosure of Vital Records	ONTP
LD 1759	An Act Regarding the Electronic Data and Court Records Filed in the Electronic Case Management System of the Supreme Judicial Court	CARRIED OVER

Human Rights and Medical Rights

Enacted

LD 666	An Act To Protect Pregnant Workers	PUBLIC 490
LD 847	An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms	PUBLIC 516
LD 1701	An Act To Clarify Various Provisions of the Maine Human Rights Act	PUBLIC 464
LD 1702	An Act To Enhance the Administration of the Maine Human Rights Act	PUBLIC 465

Not Enacted

LD 542	An Act To Allow a Person To Enter a Place of Public Accommodation Accompanied by a Medically Necessary Assistance Animal That Is a Dog	ONTP
LD 759	An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act	CARRIED OVER
LD 1245	An Act To Protect Victims of Domestic and Sexual Violence in Certain Provisions under the Maine Human Rights Act	ONTP

LD 1294	Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues	HELD BY GOVERNOR
LD 1703	An Act To Improve Consistency within the Maine Human Rights Act	HELD BY GOVERNOR

Landlord and Tenant Issues

Enacted

LD 1097	An Act To Protect Tenants from Sexual Harassment	PUBLIC 351
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Not Enacted

LD 1057	An Act To Streamline the Eviction Process	Died Between Houses
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Legal Services

Enacted

LD 214	An Act To Increase Funding for Civil Legal Services	PUBLIC 509
LD 574	An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services	PUBLIC 427

Not Enacted

LD 1021	An Act To Require the Maine Commission on Indigent Legal Services To Pay Court-appointed Attorneys for Certain Probate Court Cases	CARRIED OVER
LD 1067	An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services	CARRIED OVER

Medical Examiner

Enacted

LD 673	An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner	PUBLIC 87
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Minors and Juveniles

Enacted

LD 1304 An Act To Ease Financial Burdens for Juveniles Involved in the Justice System PUBLIC 474

Not Enacted

LD 1684 An Act To Clarify the Right to Counsel for Juveniles and Improve Due Process for Juveniles CARRIED OVER

Miscellaneous

Enacted

LD 417 An Act To Allow an Attorney To Use a Photocopied Driver's License To Consummate a Financial Transaction PUBLIC 183

LD 1212 An Act To Adopt the Uniform Interstate Depositions and Discovery Act PUBLIC 109

LD 1596 An Act To Enhance the Long-term Stability of Certain At-risk Youth PUBLIC 366

LD 1811 An Act To Enhance Personal and Public Safety by Requiring Evaluations of and Judicial Hearings for Persons in Protective Custody Regarding Risk of Harm and Restricting Access to Dangerous Weapons PUBLIC 411

Not Enacted

LD 793 An Act To Improve Accountability of Opioid Manufacturers HELD BY GOVERNOR

LD 1053 An Act To Reduce the Period of Enforcement for Judgments Based upon Consumer Obligations CARRIED OVER

LD 1312 An Act Regarding Access to Firearms by Extremely Dangerous and Suicidal Individuals Report B (ONTP)

LD 1366 An Act To Require Information Regarding Implied Warranties When Offering an Extended Warranty at the Point of Sale ONTP

LD 1503 An Act To Establish the Maine False Claims Act ONTP

Name Changes

Enacted

LD 8 An Act To Allow and Recognize a Legal Name Change upon Marriage PUBLIC 82

Not Enacted

LD 1771 An Act To Amend the Law Governing Name Changes CARRIED OVER

Probate Code and Trust Code

Enacted

LD 1352 An Act To Provide for Consistency Regarding Persons Authorized To Conduct Examinations for Involuntary Hospitalization and Guardianship PUBLIC 276

LD 1468 An Act To Enact the Maine Uniform Directed Trust Act PUBLIC 301

LD 1535 An Act To Correct Errors and Inconsistencies Related to the Maine Uniform Probate Code and To Make Other Substantive Changes PUBLIC 417
EMERGENCY

Not Enacted

LD 82 An Act To Determine the Necessity for a Public Guardian or Conservator Bond CARRIED OVER

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

LD 657 An Act To Reorganize the Probate Courts CARRIED OVER

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

LD 1229 Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals CARRIED OVER

Protection from Abuse and Protection from Harassment

Enacted

LD 496 An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders PUBLIC 359

LD 748	An Act To Provide Relief to Survivors of Economic Abuse	PUBLIC 407
LD 978	An Act To Clarify Maine's Protection from Abuse Statutes	PUBLIC 176

Real Property, Property Rights and Eminent Domain

Enacted

LD 96	An Act To Require Disclosure at the Sale or Transfer whether Methamphetamine Is Present or Has Been Removed from Real Estate	PUBLIC 234
LD 229	An Act To Increase the Safety of Home Buyers Concerning Chimney Inspections	PUBLIC 37
LD 251	An Act To Amend the Maine Condominium Act by Extending the Lien Period for Nonpayment of Assessments	PUBLIC 3

Not Enacted

LD 89	An Act To Impose Requirements on the Rental of Residential Property That Has Been Used in the Manufacture of Methamphetamine	CARRIED OVER
LD 1426	An Act To Increase Protections for Land Installment Contracts	HELD BY GOVERNOR
LD 1507	An Act Relating to Amateur Radio Service	ONTP
LD 1598	An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads	CARRIED OVER

Statutes

Enacted

LD 384	Resolve, Directing the Secretary of State To Review the Revised Uniform Law on Notarial Acts	RESOLVE 11
LD 1457	An Act To Make Certain References in the Maine Revised Statutes Gender-neutral	RESOLVE 475
LD 1831	An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine	PUBLIC 501 EMERGENCY

Torts and Immunity

Enacted

LD 287	An Act To Impose on Mental Health Professionals a Duty To Warn and Protect	PUBLIC 317
LD 492	An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act	PUBLIC 214
LD 506	An Act To Provide Architects, Engineers and Certain Other Professionals Immunity from Civil Liability When Volunteering for Evaluating Damage from Disasters	PUBLIC 49
LD 595	An Act To Amend the Laws Governing the Unlawful Cutting of Trees	PUBLIC 195
LD 841	An Act To Amend the Laws Governing Damages Awarded for Wrongful Death	PUBLIC 198

Not Enacted

LD 250	An Act To Establish the Statute of Limitations in Product Liability Cases	ONTP
LD 488	An Act To Provide Campground Owners Immunity from Liability for the Inherent Risks of Camping	Report A (ONTP)
LD 1091	An Act Regarding the Personal Liability of Government Employees	ONTP

Tribal-State Relations

Enacted

LD 870	An Act To Change the Membership of the Maine Commission on Domestic and Sexual Abuse To Include More Tribal Members	PUBLIC 188
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Not Enacted

LD 573	An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement	CARRIED OVER
LD 680	An Act To Clarify the Intent of the Federal Maine Indian Claims Settlement Act of 1980 To Ensure the Federal Principle of Inherent Tribal Sovereignty	CARRIED OVER
LD 766	An Act Regarding the Penobscot Nation's and Passamaquoddy Tribe's Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010 and the Federal Violence Against Women Reauthorization Act of 2013	HELD BY GOVERNOR

LD 954	An Act To Rescind An Act To Implement the Maine Indian Claims Settlement	CARRIED OVER
LD 1392	An Act To Establish a Formal Tribal Consultation Process with the State	CARRIED OVER
LD 1490	An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support	CARRIED OVER
LD 1653	Resolve, Establishing the Conference To Address and Improve Relations between Maine Indian Tribes and the Legislature	CARRIED OVER
LD 1709	An Act To Amend the Act To Implement the Maine Indian Claims Settlement	CARRIED OVER

Unclaimed Property

Enacted

LD 1483	An Act To Clarify the Disposition of Funds Presumed Abandoned in a Lawyer's Trust Account	PUBLIC 496
LD 1544	An Act To Enact the Maine Revised Unclaimed Property Act	PUBLIC 498

Not Enacted

LD 1612	An Act Regarding the Presumption of Abandonment of Gift Obligations	HELD BY GOVERNOR
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