

MAINE STATE LEGISLATURE

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STATE OF MAINE
128TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2017

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STATE OF MAINE

128TH LEGISLATURE
FIRST REGULAR SESSION



LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 128th Maine Legislature.

The *Digest* is arranged alphabetically by committee and within each committee by Legislative Document (LD) number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each LD title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. An appendix provides a summary of relevant session statistics.

Final action on each LD is noted to the right of the LD title. The following describes the various final actions.

CARRIED OVER..... carried over to a subsequent session of the Legislature
CON RES XXX..... chapter # of constitutional resolution passed by both houses
CONF CMTE UNABLE TO AGREE..... Committee of Conference unable to agree; legislation died
DIED BETWEEN HOUSES..... House & Senate disagreed; legislation died
DIED IN CONCURRENCE..... defeated in each house, but on different motions; legislation died
DIED ON ADJOURNMENT..... action incomplete when session ended; legislation died
EMERGENCY..... enacted law takes effect sooner than 90 days after session adjournment
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGE..... emergency failed to receive required 2/3 vote
FAILED, ENACTMENT or FINAL PASSAGE..... failed to receive final majority vote
FAILED, MANDATE ENACTMENT..... legislation proposing local mandate failed required 2/3 vote
HELD BY GOVERNOR..... Governor has not signed; final disposition to be determined at subsequent session
LEAVE TO WITHDRAW..... sponsor's request to withdraw legislation granted
NOT PROPERLY BEFORE THE BODY..... ruled out of order by the presiding officer; legislation died
INDEF PP..... indefinitely postponed; legislation died
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X... ought-not-to-pass report accepted; legislation died
P&S XXX..... chapter # of enacted private & special law
PUBLIC XXX..... chapter # of enacted public law
RESOLVE XXX..... chapter # of finally passed resolve
VETO SUSTAINED..... Legislature failed to override Governor's veto

The effective date for non-emergency legislation enacted in the First Regular Session of the 128th Legislature is Wednesday, November 1, 2017. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

LD 641 Resolve, To Establish the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases Leave to Withdraw Pursuant to Joint Rule

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

This resolve establishes the Commission To Study the Availability of Information Regarding Related Incidents in Domestic Violence Cases, which is directed to conduct a comprehensive examination of domestic violence prosecutions in this State and develop recommendations on the best method to provide judges and prosecuting attorneys with information regarding related domestic abuse incidents.

LD 644 An Act To Improve Citizen Access to Legal Representation ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SEAVEY S	ONTP	

This bill allows an attorney who practices law in a jurisdiction other than this State to be admitted to the general practice of law in this State without complying with the qualifications for admission to practice law specified in the Maine Revised Statutes, Title 4, section 805-A. Such an attorney must disclose in writing to a client in this State represented by that attorney that the attorney has not met these qualifications for admission and must obtain from that client written consent to the representation.

LD 645 An Act To Amend the Penalties for Failure To Pay Child Support ONTP

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

This bill removes the suspension of a driver's license as a penalty for failure to pay child support.

LD 663 An Act To Allow Attorneys Employed by the State To Perform Volunteer Legal Services Died Between Houses

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

This bill makes clear that an attorney who is employed by the State may provide volunteer legal services as long as the volunteer legal services do not create a conflict of interest with the attorney's work for the State. A conflict of interest exists if there is a substantial risk that the attorney's representation of the State as a client would be materially and adversely affected by the attorney's duties pursuant to the provision of the volunteer legal services. Current law prohibits the Attorney General and family law magistrates from engaging in the private practice of law, and this bill retains those prohibitions.

Joint Standing Committee on Judiciary

Committee Amendment "A" (S-280)

This amendment is the majority report. Current law prohibits district attorneys and assistant district attorneys from appearing as counsel or engaging in the private practice of law while in their full-time positions. This amendment adds to the provisions of the bill by allowing district attorneys and assistant district attorneys to provide legal services for free. Conflict of interest restrictions in rules governing the conduct of attorneys, as well as employment policies, still apply.

This amendment was not adopted.

LD 668 An Act To Facilitate the Return of Unclaimed Property

ONTP

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

Under the Uniform Unclaimed Property Act, entities that hold property that is presumed abandoned must report that property to the administrator, who is the Treasurer of State, on an annual basis. The report includes the name of each apparent owner of the presumed abandoned property and the value of the property. This bill requires the administrator to compile a cumulative list of all apparent owners of presumed abandoned property having a total value of at least \$10,000 that has been paid or delivered to the administrator at least 36 months prior to the compiling of the list. The administrator is required to release the list of apparent owners, without identifying the property or its value, upon written request. See also LD 821.

**LD 677 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**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M BRAKEY E	ONTP	

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.

**LD 697 Resolve, To Establish a Commission To Study the Roles and Rights of
Grandparents in Raising Their Grandchildren**

ONTP

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

This resolve requires the Chief Justice of the Supreme Judicial Court to convene a study commission to examine the increasing role of grandparents in raising their grandchildren and appropriate legal rights of grandparents in the care, custody and control of those grandchildren.