

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

August 2019

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STATE OF MAINE

129TH LEGISLATURE
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LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS

This *Legislative Digest of Bill Summaries and Enacted Laws* contains summaries of all LDs and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 129th Maine Legislature.

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

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

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

The effective date for non-emergency legislation enacted in the First Regular Session of the 129th Legislature is Thursday, September 19, 2019. The effective date for legislation enacted as an emergency measure may be found in the enacted law summary for that legislation.

Joint Standing Committee on Judiciary

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