

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

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.