

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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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.

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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.