

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> 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

129<sup>TH</sup> 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 129<sup>th</sup> 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 129<sup>th</sup> 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 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