

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



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

JOINT STANDING COMMITTEE ON JUDICIARY

November 2020

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STATE OF MAINE

129TH 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 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

nation, band or other group.

The tribal courts, law enforcement agencies and law enforcement officers 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 is required to share its annual reports with tribal law enforcement agencies.

Other changes include revisions to the definition of "another jurisdiction" in the Maine Criminal Code to include criminal convictions by courts of federally recognized Indian tribes. This change is consistent with federal law and the recognition of orders of protection from abuse from the courts of federally recognized Indian tribes by the Maine Revised Statutes, Title 19-A, section 4011.

The changes to the Act To Implement the Maine Indian Claims Settlement included in chapter 621 do not take effect unless the Passamaquoddy Tribe and the Penobscot Nation approve of the changes and certify their approval.

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 was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

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 in the following ways:

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; and
3. This bill removes the provision repealing the current law October 1, 2019.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 793 An Act To Improve Accountability of Opioid Manufacturers PUBLIC 536

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
JACKSON T MADIGAN C	OTP-AM ONTP	S-320 S-321 JACKSON T

Joint Standing Committee on Judiciary

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. The bill became law without signature at the beginning of the Second Regular Session.

This bill prohibits opioid medication manufacturers and distributors from falsely advertising that an opioid medication does not have abuse liability or has a lower abuse liability than another opioid medication; distributing a quantity of opioid medications that is not medically reasonable; or failing to report orders that are not medically reasonable. It establishes a civil violation and authorizes the Attorney General to investigate violations. It creates a fund into which the penalties and fees must be paid. This legislation applies retroactively to January 1, 1985.

Committee Amendment "A" (S-320)

This amendment is the majority report of the committee and it replaces the bill.

The amendment raises the annual fee for a manufacturer of opioid medication to \$55,000. The amendment establishes a registration fee due from manufacturers of opioid medications of \$250,000 if the manufacturer sells, delivers or distributes 2,000,000 or more units of an opioid medication within this State, not including units that are prescribed for the purpose of medication-assisted treatment of substance use disorder. The fees are deposited into the Opioid Use Disorder Prevention and Treatment Fund, which is established to provide opioid use disorder prevention and treatment services and administered by the Department of Health and Human Services.

The amendment also requires manufacturers and wholesale distributors of opioid medications to provide to the State the same information as provided to the United States Drug Enforcement Administration under its Automation of Reports and Consolidated Orders System regarding controlled substances transactions in this State on the same schedule that information is provided to the Federal Government.

The amendment requires the Maine Board of Pharmacy to evaluate and report whether the fees have affected the prescribing practices for opioid medications by reducing the number of opioid medication prescriptions issued during calendar years 2020, 2021 and 2022 or whether the fees have created any unintended consequences in the availability of opioid medications for the treatment of chronic or intractable pain, to the extent the board has the ability to identify a correlation. The board shall provide the report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which may report out legislation based upon the report. The reports must be submitted annually by March 1st.

Senate Amendment "A" To Committee Amendment "A" (S-321)

This amendment exempts from the opioid medication fee a manufacturer of opioid medications exclusively for use in veterinary medicine.

Enacted Law Summary

Public Law 2019, chapter 536 raises the annual fee for a manufacturer of opioid medication to \$55,000, and establishes a registration fee due from manufacturers of opioid medications of \$250,000 if the manufacturer sells, delivers or distributes 2,000,000 or more units of an opioid medication within this State, not including units that are prescribed for the purpose of medication-assisted treatment of substance use disorder. The fees are deposited into the Opioid Use Disorder Prevention and Treatment Fund, which is established to provide opioid use disorder prevention and treatment services and administered by the Department of Health and Human Services.

Chapter 536 also requires manufacturers and wholesale distributors of opioid medications to provide to the State the same information as provided to the United States Drug Enforcement Administration under its Automation of Reports and Consolidated Orders System regarding controlled substances transactions in this State on the same schedule that information is provided to the Federal Government.

Joint Standing Committee on Judiciary

Chapter 536 requires the Maine Board of Pharmacy to evaluate and report whether the fees have affected the prescribing practices for opioid medications by reducing the number of opioid medication prescriptions issued during calendar years 2020, 2021 and 2022 or whether the fees have created any unintended consequences in the availability of opioid medications for the treatment of chronic or intractable pain, to the extent the board has the ability to identify a correlation. The board shall provide the report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which may report out legislation based upon the report. The reports must be submitted annually by March 1st.

LD 954 An Act To Rescind An Act To Implement the Maine Indian Claims Settlement CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COLLINGS B JACKSON T		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill repeals An Act to Implement the Maine Indian Claims Settlement. The repeal does not take effect unless approved by the Houlton Band Council of the Houlton Band of Maliseet Indians, the Tribal Chief and the Council of the Penobscot Nation and the Joint Tribal Council of the Passamaquoddy Tribe within 90 days after the adjournment of the First Regular Session of the 129th Legislature.

This bill, which had been referred to committee but not yet heard, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1021 An Act To Require the Maine Commission on Indigent Legal Services To Pay Court-appointed Attorneys for Certain Probate Court Cases CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	ONTP	

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill provides that when a probate court appoints an attorney for a party in a guardianship or protective proceeding, if the party is indigent or a minor, the attorney's fees must be paid by the Maine Commission on Indigent Legal Services.

This bill, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1053 An Act To Reduce the Duration of Execution Liens PUBLIC 622

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
COOPER J BELLOWS S	OTP-AM	H-716