

# 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  
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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 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*

This bill creates the Unjustly Incarcerated Persons Compensation Fund and establishes compensation amounts and a process for the application for and determination of compensation. The bill establishes compensation of \$25,000 per year of unjust incarceration and \$10,000 for each year that the person eligible for compensation was required to register as a sex offender.

The bill provides for compensation payments to be made in a lump sum, and only in a lump sum in the case of a deceased person, or as an annuity.

A person is eligible to seek compensation if the person has served in whole or in part a sentence of imprisonment under the laws of this State and the person has:

1. Received a full and free pardon on the basis of innocence for the crime for which the person was sentenced;
2. Has been granted relief in accordance with a writ of habeas corpus that is based on a court finding or determination that the person is actually innocent of the crime for which the person was sentenced; or
3. Has been granted relief in accordance with a writ of habeas corpus and the court in which the person was convicted has entered an order dismissing the charge. The court's dismissal order must be based on a motion to dismiss in which the district attorney or the Attorney General states that no credible evidence exists that inculpates the defendant and, either in the motion or in an affidavit, the district attorney or the Attorney General states that the district attorney or Attorney General believes that the defendant is actually innocent of the crime for which the person was sentenced.

The bill repeals the existing law providing a maximum payment of \$300,000 for wrongful imprisonment that is based on a pardon granted on the basis of innocence.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

<b>LD 1067</b>	<b>An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u> CARDONE B	<u>Committee Report</u>	<u>Amendments Adopted</u>
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This bill is a concept draft pursuant to Joint Rule 208.

This bill proposes to implement the recommendations of The Sixth Amendment Center regarding the delivery of indigent legal services in Maine.

This bill was carried over to any special or regular session, or both, of the 129th Legislature by joint order, H.P. 1322.

<b>LD 1073</b>	<b>Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast</b>	<b>CARRIED OVER</b>
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<u>Sponsor(s)</u> DEVIN M DOW D	<u>Committee Report</u> ONTP OTP-AM	<u>Amendments Adopted</u> H-475
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