

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

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.

LD 1067 An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARDONE B		

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.

LD 1073 Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DEVIN M DOW D	ONTP OTP-AM	H-475

Joint Standing Committee on Judiciary

This resolve establishes an intensive drug treatment court two-year pilot project in the midcoast area of the State to be operational no later than November 1, 2019. The pilot project will serve ten participants who meet the requirements for participation in drug court programs. The support services provided by the Department of Health and Human Services under the pilot project are more intensive than those provided to current participants in drug court programs. The department is required to provide an interim report on implementation and a final report that includes the results of an independent evaluation of the project.

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.

Committee Amendment "A" (H-475)

This amendment, which is the minority report, revises the number of participants in the pilot project from ten to 25. The amendment also replaces the appropriations and allocations section.

This amendment was adopted in the House and Senate before the bill was carried over on the Special Appropriations Table.

LD 1091 An Act Regarding the Personal Liability of Government Employees ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE M	ONTP	

Current law provides that the personal liability of an employee of a governmental entity for negligent acts or omissions within the course and scope of employment is subject to a limit of \$10,000. This bill provides an exception to this limit for an employee who is covered by liability insurance covering the negligent acts or omissions, in which case the limit is equal to the limits of the policy.

LD 1097 An Act To Protect Tenants from Sexual Harassment PUBLIC 351

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LUCHINI L	OTP-AM	S-165

This bill creates a rebuttable presumption that a forcible entry and detainer action was commenced in retaliation against a tenant if the tenant had made a complaint of an act of sexual harassment by the landlord or landlord's agent. The bill defines "sexual harassment."

Committee Amendment "A" (S-165)

This amendment is the majority report of the committee.

The bill addresses sexual harassment with regard to tenants in residential property. This amendment clearly states a landlord or a landlord's agent may not subject a tenant to sexual harassment. It retains the provision that nothing in the subchapter limits the application of the Maine Human Rights Act, which addresses discrimination in housing.

The amendment revises the definition of "sexual harassment" to include retaliation for communicating about or filing a complaint of sexual harassment.

The amendment replaces the rebuttable presumption that a forcible entry and detainer action was commenced in