

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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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

LD 1100 An Act To Clarify the Contents of the Complete Agency Record in the Appeal of an Agency's Failure or Refusal To Act

PUBLIC 111

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARSON B	OTP-AM	S-50

This bill permits a petitioner under the Maine Administrative Procedure Act to conduct discovery if any agency fails or refuses to act or there are alleged irregularities that are not adequately revealed in the record of a proceeding.

Committee Amendment "A" (S-50)

This amendment replaces the bill to clarify what must be included in the complete agency record when the failure or refusal of the agency to act is alleged in a petition filed in Superior Court for the review of final agency action under the Maine Administrative Procedure Act. The amendment explicitly requires the agency to include in the record filed in response to the petition all communications, whether written, electronic or memorialized in any other way, of all decisions by the agency to act, to refuse to act or to delay action. The record must also include all directives, orders and other documentation of those agency decisions.

Enacted Law Summary

Public Law 2019, chapter 111, clarifies what must be included in the complete agency record when the failure or refusal of the agency to act is alleged in a petition filed in Superior Court for the review of final agency action under the Maine Administrative Procedure Act. Chapter 111 explicitly requires the agency to include in the record filed in response to the petition all communications, whether written, electronic or memorialized in any other way, of all decisions by the agency to act, to refuse to act or to delay action. The record must also include all directives, orders and other documentation of those agency decisions.

LD 1113 An Act To Change Procedures of the Governor's Board on Executive Clemency and To Seal Marijuana Convictions

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FECTEAU J	ONTP	

This bill requires a board, commission or panel established to provide the Governor a recommendation on a pardon, clemency or commutation of a sentence to grant a hearing to a petitioner who has been convicted of a nonviolent crime and to consider certain personal criteria of the petitioner and allows an appeal of a recommendation of denial to the Secretary of State.

This bill also seals criminal history record information regarding convictions for crimes and civil violations relating to personal adult use of marijuana by making the information confidential.

LD 1133 An Act To Require That Hospital Liens Be Satisfied on a Just and Equitable Basis

PUBLIC 270

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WARREN C	OTP ONTP	

This bill requires that a hospital's statutory lien be reduced by the patient's proportionate share of a patient's litigation or other recovery costs, including, but not limited to, reasonable attorney's fees. It also provides that a