

# 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 1212 An Act To Adopt the Uniform Interstate Depositions and Discovery Act**

**PUBLIC 109**

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

This bill enacts in Maine law the Uniform Interstate Depositions and Discovery Act.

**Enacted Law Summary**

Public Law 2019, chapter 109, enacts in Maine law the Uniform Interstate Depositions and Discovery Act.

**LD 1219 An Act To Establish an Independent Panel To Review the Use of Deadly Force by Law Enforcement Officers**

**PUBLIC 435**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EVANGELOS J LIBBY N	OTP-AM	H-644

This bill establishes the Independent Board To Review Law Enforcement Officer-involved Deaths to review investigations by law enforcement agencies concerning deaths involving law enforcement officers and to issue recommendations to the prosecuting attorneys or Attorney General. The board consists of seven members appointed to three-year terms, and members of the board are conferred immunity in performing their duties on the board, except when the plaintiff is the State. The bill requires the board to issue a public report of its findings and conclusions for every officer-involved death in the State.

**Committee Amendment "A" (H-644)**

This amendment replaces the bill and revises the title to reflect that the panel will review use of deadly force by law enforcement officers, not just officer-related deaths.

The amendment establishes a panel of 15 members. The following are ex officio members, although each may appoint a designee to attend meetings and participate as a panel member: the Commissioner of Public Safety; the Director of Investigations for the Office of the Attorney General; the Director of the Maine Criminal Justice Academy; and the Chief Medical Examiner. The remaining members are appointed by the Attorney General: an attorney who represents plaintiffs in actions under 42 United States Code, Section 1983; a municipal police chief; a county sheriff; a mental health professional; a representative of a statewide collective bargaining law enforcement organization; a representative of a statewide civil rights organization; an attorney who represents defendants in actions under 42 United States Code, Section 1983; a criminal prosecutor; and three citizens, each of whom is not and has never been a sworn law enforcement officer.

The panel is directed to select a chair and a vice-chair and must meet at least quarterly. The Attorney General must call the first meeting before January 1, 2020.

The panel examines deaths and serious injuries that result from a law enforcement officer's use of deadly force. The panel will wait to conduct its examination until the Attorney General conducts the investigation of the use of deadly force by a law enforcement officer as required in current law. The purpose of the examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel must recommend methods of improving standards, including changes to statutes, rules,

## *Joint Standing Committee on Judiciary*

training, policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety or officer safety.

The panel may request information and records that are necessary and relevant to the review. Persons providing information or records are not criminally or civilly liable for disclosing or providing information or records as directed by the panel. The panel may consult with content experts and other professionals and discuss necessary information or records within the scope of the consultations.

The proceedings of the panel are not public proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. To ensure oversight, the Legislature may inspect and review the records, but it must be under conditions that ensure the information is not further disclosed. The Office of the Attorney General shall disclose conclusions of the review panel but may not disclose information, records or data that are otherwise classified as confidential.

The panel is directed to submit a report on each incident it reviews, as well as annual reports summarizing its activities, to the joint standing committee of the Legislature having jurisdiction over judiciary matters beginning January 30, 2021.

### **Enacted Law Summary**

Public Law 2019, chapter 435, establishes the Deadly Force Review Panel, a permanent panel of 15 members. The following are ex officio members, although each may appoint a designee to attend meetings and participate as a panel member: the Commissioner of Public Safety; the Director of Investigations for the Office of the Attorney General; the Director of the Maine Criminal Justice Academy; and the Chief Medical Examiner. The remaining members are appointed by the Attorney General: an attorney who represents plaintiffs in actions under 42 United States Code, Section 1983; a municipal police chief; a county sheriff; a mental health professional; a representative of a statewide collective bargaining law enforcement organization; a representative of a statewide civil rights organization; an attorney who represents defendants in actions under 42 United States Code, Section 1983; a criminal prosecutor; and three citizens, each of whom is not and has never been a sworn law enforcement officer. The panel is directed to select a chair and a vice-chair and must meet at least quarterly. The Attorney General must call the first meeting before January 1, 2020.

The panel examines deaths and serious injuries that result from a law enforcement officer's use of deadly force. The panel will wait to conduct its examination until the Attorney General conducts the investigation of the use of deadly force by a law enforcement officer as required in current law. The purpose of the examinations is to identify whether there was compliance with accepted and best practices under the particular circumstances and whether the practices were sufficient for the particular circumstances or whether the practices require adjustment or improvement. The panel must recommend methods of improving standards, including changes to statutes, rules, training, policies and procedures designed to ensure incorporation of best practices that demonstrate increased public safety or officer safety.

The panel may request information and records that are necessary and relevant to the review. Persons providing information or records are not criminally or civilly liable for disclosing or providing information or records as directed by the panel. The panel may consult with content experts and other professionals and discuss necessary information or records within the scope of the consultations.

The proceedings of the panel are not public proceedings and records of the panel are confidential and are not subject to subpoena, discovery or introduction into evidence in a civil or criminal action. To ensure oversight, the Legislature may inspect and review the records, but it must be under conditions that ensure the information is not further disclosed. The Office of the Attorney General shall disclose conclusions of the review panel but may not disclose information, records or data that are otherwise classified as confidential.

The panel is directed to submit a report on each incident it reviews, as well as annual reports summarizing its

**Joint Standing Committee on Judiciary**

activities, to the joint standing committee of the Legislature having jurisdiction over judiciary matters beginning January 30, 2021.

**LD 1229      Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCCREIGHT J DAVIS P	OTP-AM	H-452

This resolve establishes the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals. The committee is required to study and develop recommendations to address guardianship, conservatorship and authorization of transaction challenges that result in extended hospitalization of patients clinically qualified for discharge from a hospital.

This resolve was reported out of committee and then carried over to any special or regular session, or both, of the 129th Legislature on the Special Study Table by joint order, H.P. 1322.

**Committee Amendment "A" (H-452)**

This amendment revises the membership of the committee, requires the report to be submitted to both the Joint Standing Committee on Health and Human Services and the Joint Standing Committee on Judiciary, authorizes both committees to report out legislation based on the report to the Second Regular Session of the 129th Legislature and adds an emergency preamble and clause. It also allows the committee to accept outside contributions, approved by the Legislative Council, to help fund the committee.

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

**LD 1233      An Act Regarding Offers of Settlement** **Leave to Withdraw Pursuant to Joint Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D		

This bill provides that prior to 28 days before trial, a party to a lawsuit may serve on the adverse party a written offer to stipulate to the entry of judgment for the whole or part of the claim. It sets forth how an offer or counteroffer may be accepted or rejected. It provides for the payment of costs if an offer is rejected. It provides that reasonable expert witness fees and expenses included as discretionary costs include fees associated with consulting, preparation and testifying at deposition or trial.

**LD 1245      An Act To Protect Victims of Domestic and Sexual Violence in Certain Provisions under the Maine Human Rights Act** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
STOVER H	ONTP	