

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 amends certain portions of the Maine Human Rights Act to provide protections to victims of domestic and sexual violence.

LD 1291 An Act To Update the Maine Parentage Act

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 enact changes to the Maine Parentage Act that have been adopted as updates to the Uniform Parentage Act by the Uniform Law Commission.

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

**LD 1294 Resolve, Directing the Maine Human Rights Commission To Implement
a Pilot Program To Investigate and Report on Incidents of Harassment
Due to Housing Status, Lack of Employment and Other Issues**

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R MOORE M	OTP ONTP	

This resolve directs the Maine Human Rights Commission to create a two-year pilot program to receive, review and investigate incidents and complaints of harassment due to a person's lack of employment or housing status and other reports of interference with a person's access to public accommodations. In carrying out the pilot program, the commission must investigate and respond to incidents and complaints of harassment as set out in the Maine Revised Statutes, Title 5, sections 4611 and 4612. The commission is authorized to use any of its powers under Title 5, section 4566 to carry out the pilot program and may limit its scope. The commission is authorized to establish an advisory board to document and evaluate complaints and to advise the commission as to which incidents and complaints should be acted on and possible solutions. The commission is directed to produce an interim report for submission to the Joint Standing Committee on Judiciary by September 15, 2020 and a final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, 2021. The reports are authorized to contain recommendations on changes to the program or for its continuation as well as proposed legislation to carry out any recommendations.

**LD 1301 An Act Regarding the Confidentiality of Investigations by the Bureau of
Forestry**

**Leave to Withdraw
Pursuant to Joint
Rule**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUNPHY M BLACK R		

This bill makes all complaints and investigative records of the Department of Agriculture, Conservation and Forestry related to violations of the forestry laws confidential during the pendency of an investigation. The bill provides exceptions to allow disclosures to department employees and other agencies and otherwise as determined warranted by the Commissioner of Agriculture, Conservation and Forestry. The provision or disclosure of investigative records of the Department of the Attorney General to a Department of Agriculture, Conservation and

Joint Standing Committee on Judiciary

Forestry employee designated by the commissioner does not constitute a waiver of the confidentiality of those records. A person who knowingly or intentionally makes a disclosure in violation of this provision commits a civil violation for which a fine not to exceed \$1,000 may be adjudged.

LD 1304 An Act To Ease Financial Burdens for Juveniles Involved in the Justice System

PUBLIC 474

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM	H-616

This bill amends the Maine Juvenile Code concerning the payment of restitution and fines as follows.

1. It removes from the consideration of withholding an institutional disposition following the adjudication of a juvenile crime the juvenile's ability or agreement to make restitution for a victim's damages or injuries.
2. It caps the amount of restitution a juvenile may be ordered to pay at \$800, requires the court to hold a hearing to determine the juvenile's financial capacity and allows the court to order community service in place of restitution.
3. Regarding a contempt proceeding concerning the enforcement of a dispositional order following the adjudication of a juvenile crime, the bill removes the ability of a court to incarcerate a juvenile or to levy execution of the monetary penalty or restitution to be collected as an unpaid civil judgment. The bill authorizes the court as a punitive or remedial sanction for the nonpayment of the restitution or fine to require the juvenile to earn credit by court-approved community service, which must be at a rate no less than the state minimum wage without considering whether the nonpayment was excusable or inexcusable.

Committee Amendment "A" (H-616)

This amendment replaces the bill. It enacts a new section in the Maine Juvenile Code governing court orders of restitution and orders to modify restitution. The new section:

1. Requires that restitution be considered by the court and, when the court does not order restitution, that the court state on the record or in writing the reasons for not imposing restitution;
2. Establishes criteria that must be considered in determining whether restitution is appropriate and the amount of restitution to be paid. The amendment specifically prohibits an order of restitution in enumerated circumstances;
3. Clarifies to whom restitution may be paid;
4. Establishes who has the burden of proof with regard to the capacity to pay restitution. If the juvenile is under 16 years of age, there is a rebuttable presumption that the juvenile does not have the capacity to pay restitution; the State may rebut the presumption by a preponderance of evidence. If the juvenile is 16 years of age or older, the juvenile has the burden of proving the incapacity to pay restitution by a preponderance of the evidence. On appeal, the juvenile has the burden of demonstrating that the court abused its discretion in ordering an amount of restitution;
5. Provides for the modification of orders of juvenile restitution; and
6. Provides that, in enforcing an order to pay restitution, the court may not enter an order for confinement as a remedial or contempt sanction unless the juvenile is at least 14 years of age. The court may also order the juvenile to complete community service.

Enacted Law Summary

Public Law 2019, chapter 474, enacts a new section in the Maine Juvenile Code governing court orders of