

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

contract per year.

LD 1442 An Act To Provide for Court-appointed Advocates for Justice in Animal Cruelty Cases

HELD BY GOVERNOR

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D CHIPMAN B	OTP-AM ONTP	H-574

This bill allows courts to appoint law students or volunteer lawyers to advocate for the interests of justice in animal cruelty proceedings.

Committee Amendment "A" (H-574)

The bill requires the Department of Agriculture, Conservation and Forestry to keep a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system, and requires the Commissioner of Agriculture, Conservation and Forestry to provide that list to the courts. The courts will use the list to appoint a separate advocate to represent the interests of justice in cases involving animal cruelty. This amendment moves the responsibilities concerning the list from the department and the commissioner to the Maine State Bar Association.

LD 1449 An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities

Died On Adjournment

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LOCKMAN L TIMBERLAKE J		

This bill establishes prohibitions concerning restricting the sharing and use of immigration and citizenship information. It prohibits restricting the enforcement of federal immigration law. It establishes a complaint process and a duty to report.

This bill also provides that if the Attorney General, upon investigation, determines that a government entity is violating these prohibitions, the Attorney General must issue an opinion stating that finding. The government entity has 30 days to appeal the finding to the Superior Court. If the Superior Court agrees with the Attorney General, the court must immediately enjoin the policy or practice. The government entity that continues the policy or practice is subject to a \$500 fine for each day the policy or practice remains in effect. If the Superior Court disagrees with the Attorney General, the Attorney General must immediately certify that the government entity is in compliance with the law.

LD 1457 An Act To Make Certain References in the Maine Revised Statutes Gender-neutral

PUBLIC 475

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MOONEN M	OTP-AM	H-565

This bill changes language in the Maine Revised Statutes to make certain references to the Governor and the Chief Justice of the Supreme Judicial Court and associate justices gender neutral. The Revisor of Statutes is directed to review the Maine Revised Statutes to determine where further references to the Governor and the Chief Justice of

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the Supreme Judicial Court and associate justices need to be made gender neutral and to implement these revisions when updating, publishing or republishing the statutes.

Committee Amendment "A" (H-565)

This amendment strikes the title of the bill and directs that certain references in the Maine Revised Statutes be made gender-neutral, not just references to the Governor and the Supreme Judicial Court Justices as proposed in the bill. Specifically, this amendment makes all references in Title 3 of the Maine Revised Statutes gender-neutral and it adds a revision clause to direct the Revisor of Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and to make these revisions when updating, publishing or republishing the statutes. The amendment further directs the Revisor of Statutes to develop a schedule to change all gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable and to include in the annual revisor's report an update on progress in carrying out the schedule.

Enacted Law Summary

Public Law 2019, chapter 475, changes language in the Maine Revised Statutes to make certain references to the Governor and the Chief Justice of the Supreme Judicial Court and associate justices gender neutral, and to make all references in Title 3 of the Maine Revised Statutes gender neutral. Chapter 475 includes a revision clause to direct the Revisor of Statutes to determine where references to individuals occurring throughout the statutes need to be made gender-neutral and to make these revisions when updating, publishing or republishing the statutes. Chapter 475 directs the Revisor of Statutes to develop a schedule to change all gender-specific terms to gender-neutral terms in all Titles of the Maine Revised Statutes as soon as reasonably practicable and to include in the annual revisor's report an update on progress in carrying out the schedule.

LD 1468 An Act To Enact the Maine Uniform Directed Trust Act

PUBLIC 301

Sponsor(s)

Committee Report

Amendments Adopted

OTP

This bill enacts the Maine Uniform Directed Trust Act as approved by the Uniform Law Commissioners in 2017. It includes conforming amendments to the Uniform Trust Code, adopted in this State as the Maine Revised Statutes, Title 18-B, Part 1, the Maine Uniform Trust Code.

Enacted Law Summary

Public Law 2019, chapter 301, enacts the Maine Uniform Directed Trust Act as approved by the Uniform Law Commissioners in 2017. It includes conforming amendments to the Uniform Trust Code, adopted in this State as the Maine Revised Statutes, Title 18-B, Part 1, the Maine Uniform Trust Code.

LD 1475 An Act To Eliminate Profiling in Maine

PUBLIC 410

Sponsor(s)

Committee Report

Amendments Adopted

HICKMAN C
MIRAMANT D

OTP-AM
ONTP

H-581

This bill creates the Act To Eliminate Profiling in Maine, which establishes policies and procedures for law enforcement officers and law enforcement agencies to prohibit and eliminate profiling. The bill defines profiling as the discriminatory practice of a law enforcement officer or law enforcement agency relying, to any degree, on actual or perceived race, gender, ethnicity, religion, socioeconomic status, ancestry or national origin in targeting an