

# 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  
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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 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*

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

## *Joint Standing Committee on Judiciary*

individual for routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and time frame, that links a person with a particular characteristic to an identified criminal incident or scheme.

Specifically, the bill directs the Board of Trustees of the Maine Criminal Justice Academy to establish policies and procedures to eliminate profiling and require mandatory training and anti-profiling education by all law enforcement agencies in the State. All law enforcement agencies must adopt written policies on profiling. The bill requires law enforcement agencies to implement procedures for receiving, investigating and responding to complaints of profiling. The bill also directs the Attorney General to adopt rules and guidelines for collecting and reporting data regarding profiling. Rules must define what data must be collected, how it must be collected and how the data may be reported and used to eliminate profiling and inform law enforcement, the public and the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters.

### **Committee Amendment "A" (H-581)**

The bill prohibits profiling on the basis of actual or perceived race, gender, ethnicity, religion, socioeconomic status, ancestry or national origin by law enforcement and requires data collection to provide information about whether profiling is occurring and, if so, the extent to which it is occurring. This amendment retains the prohibition on profiling on the basis of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by requiring the establishment of anti-profiling policies but removes the data collection requirement and instead directs the Attorney General to explore data collection techniques and report to the Joint Standing Committee on Judiciary findings and recommendations by March 15, 2020. The committee may report out legislation to the Second Regular Session of the 129th Legislature.

The amendment requires that training of law enforcement officers include anti-profiling education and instruction.

The amendment directs the Attorney General to establish procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies. The Attorney General may adopt rules to address the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement officers or law enforcement agencies.

### **Enacted Law Summary**

Public Law 2019, chapter 410, prohibits profiling on the basis of race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by requiring the establishment of anti-profiling policies. It directs the Attorney General to explore data collection techniques and report to the Joint Standing Committee on Judiciary findings and recommendations by March 15, 2020. The committee may report out legislation to the Second Regular Session of the 129th Legislature.

Public Law 2019, chapter 410, requires that training of law enforcement officers include anti-profiling education and instruction.

Public Law 2019, chapter 410, directs the Attorney General to establish procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies. The Attorney General may adopt rules to address the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement officers or law enforcement agencies.