

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH LEGISLATURE
FIRST SPECIAL AND SECOND REGULAR SESSIONS



Summaries of bills, adopted amendments and laws enacted or finally passed

JOINT STANDING COMMITTEE ON JUDICIARY

November 2020

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STATE OF MAINE

129TH 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 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 1554 Resolve, Establishing a Commission To Reform Child Protective Services

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DIAMOND B	ONTP	

This resolve was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H. P. 1322.

This resolve establishes the Commission To Reform Child Protective Services. The commission is required to submit a report, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

This resolve, which had been reported out of committee but not yet taken up by the House or the Senate, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1575 An Act To Improve the Freedom of Access Laws of Maine

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HARNETT T		

The bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

The purpose of this bill is to enhance access to public records without imposing undue burdens on the efficient and effective functioning of government. This bill makes the following changes to the Freedom of Access Act.

1. Current law defines public records that are subject to the Freedom of Access Act as matter in the possession or custody of an agency or public official that has been received or prepared for use in connection with, or that contains information relating to, the transaction of public or governmental business. This bill defines "public or governmental business" as the administration of public policy and the exercise of governmental power through laws, rules, ordinances, regulations and the equivalent.
2. The bill requires that, when requesting to inspect or to receive a copy of a public record, a person must provide to the agency or official with custody of the record sufficient information to identify the record sought. Under the bill, a request for a public record must include, at a minimum, the specific subject matter contained in the record and the date or dates upon which the record was created or a range of dates within which the record may have been created.
3. Current law requires that, within "a reasonable time" of receiving a request for information, the agency or official must provide a good faith, nonbinding estimate of the time within which the agency or official will comply. This bill instead requires that the agency or official, within 30 days of receiving the request, provide to the requester an update on progress on the request and, within 30 days of providing the update, fulfill the request. If the agency or official is unable to fulfill the entirety of the request within the specified time period, the agency or official must provide to the requester an explanation of the reason or reasons it was unable to comply, fulfill those portions of the request that it can fulfill and provide a written estimate of the expected date of compliance with the remainder of the request.

Joint Standing Committee on Judiciary

4. The bill directs the Right To Know Advisory Committee to examine the specific challenges of ensuring public access to public records in the face of new and emerging technologies and to develop recommendations that are designed to preserve communications that can be accessed by the public. The Right To Know Advisory Committee is directed to report its findings and recommendations to the Joint Standing Committee on Judiciary, which is authorized to report out a bill to the Second Regular Session of the 129th Legislature.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1598 An Act To Define the Responsibilities of Property Owners for the Maintenance and Repair of Private Roads CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MCLEANA POULIOTM		

This bill was carried over in committee from the First Regular Session of the 129th Legislature by joint order, H.P. 1322.

This bill establishes responsibility for the repair and maintenance of private roads and private ways that benefit residential properties. Unless there is an agreement, restriction, covenant or road association that specifies the cost to be paid by each owner of a benefited property, the cost is shared in proportion to the benefit received by each owner of benefited property. An owner who damages a private road or private way that benefits other residential properties is solely responsible for the cost of repairs to fix the damage. An owner who fails to comply may be forced to comply through an action brought by other owners on the private road or private way.

This bill, which had been voted but not yet reported out of committee, was carried over in committee to any special session of the 129th Legislature by joint order, S.P. 788.

LD 1612 An Act Regarding the Presumption of Abandonment of Gift Obligations PUBLIC 553

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S LIBBY N	OTP-AM	H-661 BAILEY D

This bill was passed to be enacted by the Legislature and then held by the Governor at the end of the First Regular Session of the 129th Legislature. During the Second Regular Session, it was recalled from the Governor's desk and, as described in this summary, was acted upon without reference to committee.

Under current law, a gift obligation card, which includes a gift certificate, gift card and online gift account, is considered abandoned two years after the expiration of the calendar year in which it was purchased or last used. This bill removes the presumption of abandonment for gift obligation cards.

Committee Amendment "A" (H-613)

This amendment was the unanimous report of the committee in the First Regular Session. It provides that this legislation, which exempts gift obligation cards from the Uniform Unclaimed Property Act by establishing that a gift obligation card is never presumed abandoned, is effective January 1, 2021, and applies to gift obligation cards sold