

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.

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respective board makes the file available for inspection or copying after the record has been requested.

The board must notify the applicant or licensee of the request to view the record at the same time the board acknowledges the request under the Freedom of Access Act. If the applicant or licensee would like to review the redacted record before it is made publicly available, the applicant or licensee must notify the board within 10 business days. If requested by the applicant or licensee, the board must send a copy of the redacted record to the applicant or licensee, and the applicant or licensee has 10 business days from when the record is sent to stop the release of all or a part of the redacted record by petitioning the board to withhold release of all or a part of the file because making all or part of the redacted record available to the public creates a potential risk to the personal safety of the applicant or licensee or any third party. The licensing board must review the applicant's or licensee's petition to withhold all or part of the record within 60 days. If the applicant or licensee who does not agree with the licensing board's decision, the applicant or licensee may seek an injunction in Superior Court.

The restriction on releasing an applicant's or licensee's record does not apply to requests for records from other governmental licensing or disciplinary authorities or from any health care providers located within or outside this State that are concerned with granting, limiting or denying an applicant's or licensee's employment or privileges.

LD 1589

**An Act To Protect the Liberty of Immigrants and Asylum Seekers in
Maine**

**Died On
Adjournment**

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|------------------------|-------------------------|---------------------------|
| HICKMAN C BELLOWS S | | |

This bill establishes the Maine Liberty Act, which governs the relationship of state and local law enforcement agencies, including correctional facilities, with federal immigration authorities, including:

1. Prohibiting a law enforcement agency from stopping, investigating, interrogating, arresting or detaining a person solely for immigration enforcement purposes, including in response to a hold request, immigration detainer or administrative warrant issued by the United States Department of Homeland Security, or allowing the United States Department of Homeland Security access to inmates, inmate information or law enforcement agency facilities or providing law enforcement agency resources or personnel to assist immigration enforcement activities;
2. Clarifying that a law enforcement agency upon a request from the United States Department of Homeland Security may arrest and detain a person and perform other law enforcement duties due to suspected criminal activity or other reasons not solely based on the person's immigration status;
3. Establishing the permissible scope of collaboration of a law enforcement agency with a joint law enforcement task force and requiring reporting to the Attorney General on all arrests made by the task force, including all arrests made for immigration enforcement purposes;
4. Requiring a law enforcement agency to release as soon as possible and detain no longer than 48 hours a person determined to be held solely for immigration enforcement purposes;
5. Establishing duties and prohibitions for law enforcement agencies regarding immigration issues of inmates, including requiring the agency to inform an inmate of the inmate's rights prior to interview by an immigration authority and whether the agency intends to comply with a hold request and prohibiting an agency from restricting access to educational programming and good conduct credits or determining an inmate's custodial status based upon the inmate's immigration status;
6. Requiring the Attorney General to publish a model policy regarding limiting assistance to immigration

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authorities in public facilities and publish guidance, audit criteria and training recommendations to ensure that a database operated by a state or local law enforcement agency limits the availability of database information to immigration authorities; and

7. Requiring a law enforcement agency to record certain information regarding hold requests and certain other information from immigration authorities received by the agency and to report quarterly to the Attorney General on this information.

LD 1596 An Act To Enhance the Long-term Stability of Certain At-risk Youth

PUBLIC 366

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BAILEY D | OTP-AM | H-544 |

This bill provides that the District Court has jurisdiction to consider petitions filed by at-risk noncitizens who are 18 years of age or older and under 21 years of age and the Probate Court has jurisdiction for at-risk noncitizens who are under 18 years of age. The courts are required to expeditiously issue findings of fact, rulings of law and dependency or custody determinations on these petitions.

Committee Amendment "A" (H-544)

This amendment removes the provision in the bill that an at-risk noncitizen child is not required to include as a respondent a parent with whom reunification may be a viable option in order to leave that determination to the discretion of the court in each case.

The amendment makes clear that courts have the authority to issue special orders for the protection, well-being, care and custody of at-risk noncitizen children for whom a remedy is not otherwise available or appropriate under the Maine Revised Statutes, Title 18-C, Title 19-A or Title 22.

The amendment clarifies that the new provisions do not preclude the at-risk noncitizen child from seeking other remedies that are available to protect the child from further abuse or other harm or that provide support.

This amendment removes the emergency preamble and emergency clause from the bill.

Enacted Law Summary

Public Law 2019, chapter 366, provides that the District Court has jurisdiction to consider petitions filed by at-risk noncitizens who are 18 years of age or older and under 21 years of age and the Probate Court has jurisdiction for at-risk noncitizens who are under 18 years of age. The courts are required to expeditiously issue findings of fact, rulings of law and dependency or custody determinations on these petitions. It makes clear that courts have the authority to issue special orders for the protection, well-being, care and custody of at-risk noncitizen children for whom a remedy is not otherwise available or appropriate under the Maine Revised Statutes, Title 18-C, Title 19-A or Title 22. The new provisions do not preclude the at-risk noncitizen child from seeking other remedies that are available to protect the child from further abuse or other harm or that provide support.

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> |
|-----------------------|-------------------------|---------------------------|
| MCLEAN A POULIOT M | | |