

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
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

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		

Joint Standing Committee on Judiciary

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

**LD 1609 An Act To Set Off Court Fines, Surcharges and Assessments against
Lottery Winnings**

PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP	

This bill requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to set off lottery winnings against monetary fines, surcharges and assessments imposed by a court of the State. The bill also establishes an order of priority the bureau must follow if there is more than one claim to the lottery winnings pursuant to state law or court order.

Enacted Law Summary

Public Law 2019, chapter 304, requires the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to set off lottery winnings against monetary fines, surcharges and assessments imposed by a court of the State. It establishes an order of priority the bureau must follow if there is more than one claim to the lottery winnings pursuant to state law or court order.

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

**HELD BY
GOVERNOR**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GIDEON S LIBBY N	OTP-AM	H-613 S-366 BREEN C

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 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 on or after January 1, 2021.

Senate Amendment "A" To Committee Amendment "A" (S-366)

This amendment provides that the amount of a gift obligation's face value that is unclaimed for purposes of the Uniform Unclaimed Property Act is 60% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2018 or earlier; 40% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2019; 20% for gift obligations issued or whose most