

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
129<sup>TH</sup> 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

129<sup>TH</sup> 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 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

on or after January 1, 2021.

This amendment was adopted in the First Regular Session, but was removed from the bill after the bill was recalled from the Governor's desk.

### 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 recent transaction, whichever is later, occurred during calendar year 2020; and 0% for gift obligations issued or whose most recent transaction, whichever is later, occurred during calendar year 2021 or thereafter.

This amendment was adopted in the First Regular Session, but was removed from the bill after the bill was recalled from the Governor's desk.

### House Amendment "A" (H-661)

This amendment, which was adopted in the Second Regular Session after the bill was recalled from the Governor's desk, provides that the amount of a gift obligation's net obligation that is unclaimed for purposes of the Maine Revised Unclaimed Property Act is 60% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2019 or earlier; 40% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2020; 20% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2021; and 0% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2022 or after.

### Enacted Law Summary

Public Law 2019, chapter 553 amends the unclaimed property laws applicable to gift cards. 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.

Public Law 2019, chapter 553 provides that the amount of a gift obligation's net obligation that is unclaimed for purposes of the Maine Revised Unclaimed Property Act is 60% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2019 or earlier; 40% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2020; 20% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2021; and 0% for gift obligations whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2022 or after.

**LD 1653**

**Resolve, Establishing the Conference To Address and Improve Relations  
between Maine Indian Tribes and the Legislature**

**CARRIED OVER**

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

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

*Joint Standing Committee on Judiciary*

This resolve establishes the Conference To Address and Improve Relations between Maine Indian Tribes and the Legislature to develop meaningful conversations among the members of the conference on communication and policy differences that led to the breakdown between the Legislature and the tribal representatives to the Legislature and how better to communicate and improve the relationship between the Legislature and Maine Indian tribes. Ex officio members of the conference are the President of the Senate, the Speaker of the House, the Senate Minority Leader and the House Minority Leader, who are directed to invite as members of the conference the Chief of the Aroostook Band of Micmacs, the Chief of the Houlton Band of Maliseet Indians, the Chief of the Penobscot Indian Nation, the Chief of the Passamaquoddy Tribe at Indian Township and the Chief of the Passamaquoddy Tribe at Pleasant Point.

This resolve, which had been referred to committee but not yet heard, was carried over to any special session of the 129th Legislature by joint order, S.P. 788.

**LD 1670     An Act To Limit the Dissemination of Juvenile Records**

**ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TALBOT ROSS R	ONTP	H-594

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 was re-committed to committee. It was ultimately and reported out of committee as Ought Not To Pass because the content of the bill is contained in the final version of LD 1964.

The bill changes the sealing process for juvenile records to provide that at the time a person who is adjudicated to have committed a juvenile crime is discharged from the disposition ordered for that juvenile crime, the court is required to automatically and immediately enter an order sealing from public inspection all records pertaining to the juvenile crime and its disposition.

**Committee Amendment "A" (H-594)**

This amendment was the majority report of the committee in the First Regular Session.

The bill provides for the automatic sealing of all records of juvenile crimes once the juvenile is finally discharged from the disposition ordered for the crime. This amendment restores the three-year waiting period after discharge and the petition process for sealing records of juvenile crimes and provides that the petition process applies to crimes that, if the juvenile were an adult, would constitute murder, aggravated attempted murder, attempted murder, Class A manslaughter other than the reckless or criminally negligent operation of a motor vehicle, elevated aggravated assault on a pregnant person, elevated aggravated assault, arson that recklessly endangers any person, causing a catastrophe, Class A robbery, any Class A or Class B sex crimes or operating under the influence.

This amendment clarifies that the court is required to seal the record for other juvenile crimes when it receives appropriate notice that the juvenile has been finally discharged from the disposition ordered. That notice must come from the Department of Corrections, the district attorney or the juvenile or the juvenile's attorney. If the juvenile or the juvenile's attorney is providing the notice, the notice must first be served on the office of the district attorney who prosecuted the juvenile crime.

This amendment provides that the court must send the order sealing the record to the Department of Public Safety, Bureau of State Police, State Bureau of Identification, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources or the Department of the Secretary of State, Bureau of Motor Vehicles, as appropriate.