

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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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.

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>
DILLINGHAM K JACKSON T		

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

LD 1670 An Act To Limit the Dissemination of Juvenile Records HELD BY GOVERNOR

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

This bill provides for the sealing of juvenile records.

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)

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

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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.

This amendment provides that if the juvenile crime for which the person was adjudicated disqualifies the person from possessing a firearm as provided in the Maine Revised Statutes, Title 15, section 393, the sealing of the record does not affect the prohibition on possession of a firearm by that person.

LD 1672 An Act Regarding the Admissibility of Certain Health Care Records as Evidence **Leave to Withdraw Pursuant to Joint Rule**

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

This bill makes changes to the law governing the admissibility of health care records as evidence in court. It specifies that records, including itemized bills, kept by health care practitioners, health care entities, health care providers, pharmacists and pharmacies may be admissible in court as evidence of: (1) the fair and reasonable charge for such services or the necessity of services or treatments; (2) the diagnosis provided by the medical entity; (3) the prognosis provided by the medical entity; (4) the opinion provided by the medical entity regarding the proximate cause of the condition diagnosed by the medical entity; and (5) the opinion provided by the medical entity regarding any disability or incapacity proximately resulting from the condition diagnosed by the medical entity.

LD 1684 An Act To Clarify the Right to Counsel for Juveniles and Improve Due Process for Juveniles **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MORALES V MILLETT R		

Currently, Maine has no minimum age at which a child may be prosecuted for a crime. The purpose of this bill is to prevent children under 12 years of age from being prosecuted for crimes, to prevent children under 14 years of age from being incarcerated, to eliminate the current requirement that, if committed, a juvenile must be committed for at least a year and to prevent courts from imposing dispositions against juveniles that involve commitment without exhausting all other less restrictive alternatives. The bill also mandates regular opportunities for judicial review of a juvenile's commitment in addition to providing an appellate avenue for relief from unfavorable reviews.

The bill provides that if a court imposes a disposition that involves incarceration, the court must conduct a detailed analysis on the record explaining the rationale for the disposition. Such a disposition is authorized only if the court finds certain criteria by clear and convincing evidence. If the court commits a juvenile to a facility, the bill requires periodic judicial review of the incarceration to ensure that the rehabilitative purposes of incarceration are not being outweighed by the harm caused by incarceration.

The overarching goal of this bill is to ensure that fewer children are in the juvenile justice system and that, if and