## MAINE STATE LEGISLATURE

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#### STATE OF MAINE

 $129^{\text{th}}$  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

#### **MEMBERS:**

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**STAFF:** 

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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	e
CON RES XXX	S
CONF CMTE UNABLE TO AGREE	
DIED BETWEEN HOUSES	d
DIED IN CONCURRENCE defeated in each house, but on different motions; legislation died	d
DIED ON ADJOURNMENT action incomplete when session ended; legislation died	d
EMERGENCYenacted law takes effect sooner than 90 days after session adjournment	t
FAILED, EMERGENCY ENACTMENT or FINAL PASSAGEemergency failed to receive required 2/3 vote	e
FAILED, ENACTMENT or FINAL PASSAGE failed to receive final majority vote	e
FAILED, MANDATE ENACTMENTlegislation proposing local mandate failed required 2/3 vote	e
HELD BY GOVERNOR Governor has not signed; final disposition to be determined at subsequent session	$\eta$
LEAVE TO WITHDRAWsponsor's request to withdraw legislation granted	d
NOT PROPERLY BEFORE THE BODYruled out of order by the presiding officer; legislation died	
INDEF PP indefinitely postponed; legislation died	d
ONTP, ACCEPTED, MAJORITY, MINORITY or REPORT X ought-not-to-pass report accepted; legislation died	
P&S XXX	v
PUBLIC XXX	v
RESOLVE XXX	
VETO SUSTAINEDLegislature failed to override Governor's veto	9

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

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

Sponsor(s)	Committee Report	Amendments Adopted
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.

#### Joint Standing Committee on Judiciary

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.

This amendment was adopted in the First Regular Session, but was removed from the bill when the bill was recommitted to the committee in the Second Regular Session.

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

**CARRIED OVER** 

Sponsor(s)	Committee Report	Amendments Adopted
MORALES V		
MILLETT R		

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

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.

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

## LD 1703 An Act To Improve Consistency in the Maine Human Rights Act and Related Statutes

**CARRIED OVER** 

Sponsor(s)	Committee Report	Amendments Adopted
BAILEYD	OTP-AM	H-665 BAILEY D
	ONTP	

This bill was passed to be enacted by the Legislature 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.

The purpose of this bill is to address inconsistencies in the protections provided in different areas of jurisdiction under the Maine Human Rights Act. The bill provides more inclusive protection by:

- 1. Including adult family members dependent for care in the definition of "familial status";
- 2. Including familial status as a protected class in employment;
- 3. Including age as a protected class in public accommodations;
- 4. Providing that public entities cannot discriminate on the basis of protected class; and