

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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when they do become involved in the system, there is a presumption against incarceration and a requirement for the regular review of any commitment imposed, in order to minimize the harm that incarceration can cause children.

This bill amends the statute governing a juvenile's right to counsel to specify that the right to counsel attaches at the juvenile's initial appearance and continues until the court no longer has jurisdiction over the juvenile, including all post-dispositional hearings and during the time of commitment. This bill also requires counsel appointed by the court to continue to represent the juvenile throughout all proceedings concerning the juvenile, unless relieved by the court.

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

LD 1688 An Act To Protect Original Birth Certificates

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOW D HEPLER A	ONTP	

This bill repeals the law authorizing the creation of a new birth certificate for an adopted person and it removes the provision that requires the sealing of the original birth certificate. The bill allows a person born in this State to retain that person's original birth certificate, even if that person is adopted. This change does not affect a person born in a foreign country who is adopted in this State. A person adopted before October 1, 2019 will still need to follow the current statutory procedure to receive access to that person's original birth certificate upon attaining 18 years of age. This bill requires a certificate of birth for a child who is being adopted to be amended to include the adoptee's new name and the adoptive parent's name or parents' names and personal data.

LD 1695 An Act Regarding the Law Governing the Disclosure of Vital Records

ONTP

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

This bill makes the following changes to the laws governing vital records.

1. It provides that certificates and records of birth, marriage, intentions to marry, domestic partnerships and death, including fetal death, are open to the public without restriction. It allows any person to inspect and purchase noncertified copies of these vital records. Certified copies of these records may be purchased only by those persons specified in law.
2. It provides that inspection of certificates and records includes visual and physical access to the original certificate or record when no alternative method of inspection is available, subject to rules designed to protect the physical integrity and condition of the certificates and records.
3. It provides that indices to certificates and records of birth, marriage, intentions to marry, domestic partnerships and death, including fetal death, at the municipal and state levels are open to the public without restriction.
4. It directs the State Registrar of Vital Statistics to enter into a long-term nonexclusive contract with a private entity experienced in maintaining genealogical research databases to create, maintain and update at no direct cost to the State an online index to records of birth, marriage, intentions to marry, domestic partnerships and death, including fetal death, in exchange for allowing the private entity to also provide that index to its subscribers and

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customers. The online index must include the names of persons appearing on the certificate or record, the municipality in which the certificate or record was recorded, the date of the event and the certificate number for the certificate or record number for the record.

LD 1701 An Act To Clarify Various Provisions of the Maine Human Rights Act

PUBLIC 464

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP ONTP	H-652 BAILEY D

This bill makes changes to the Maine Human Rights Act in order to clarify its proper application and interpretation. In particular, the bill describes the behaviors that may constitute harassment in reference to unlawful discrimination; clarifies the Act's coverage of claims based on association and based on the perception that an individual belongs to a protected class; and provides a definition of "gender identity." The bill provides needed clarification related to several Maine Human Rights Act provisions highlighted by recent court decisions, including confirming that a leave of absence can be a reasonable accommodation for a disability in employment, and that individual employees may be liable for their discriminatory behavior in certain circumstances. The bill also makes grammatical changes and corrects cross-references.

House Amendment "A" (H-652)

This amendment make several changes to the bill, including removing the description of behaviors that might constitute harassment in reference to unlawful discrimination, removing the phrase "bona fide nonprofit" and removing language that would have held individual employees liable for their discriminatory behavior in certain circumstances.

Enacted Law Summary

Public Law 2019, chapter 464, makes changes to the Maine Human Rights Act in order to clarify its proper application and interpretation. In particular, chapter 464 clarifies the Act's coverage of claims based on association and based on the perception that an individual belongs to a protected class; and provides a definition of "gender identity." Chapter 464 provides needed clarification related to several Maine Human Rights Act provisions highlighted by recent court decisions, including confirming that a leave of absence can be a reasonable accommodation for a disability in employment. It also prohibits any public accommodation to designate a single-occupancy toilet facility as for use only by members of one sex. A single-occupancy toilet facility may be identified by a sign, as long as the sign does not indicate that the facility is for use by members of one specific sex.

LD 1702 An Act To Enhance the Administration of the Maine Human Rights Act

PUBLIC 465

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAILEY D	OTP-AM ONTP	H-642 H-653 BAILEY D

This bill amends the Maine Human Rights Act so as to make more efficient the processing and investigation of complaints. The bill:

1. Specifies that the Act must be construed to provide broad protection from discrimination; that it may not be construed to provide less coverage than the federal law; and that the interpretation of the Act by the Maine Human Rights Commission is entitled to deference by the court;
2. Authorizes the executive director of the commission to appoint or hire additional necessary personnel subject to