

MAINE STATE LEGISLATURE

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STATE OF MAINE
129TH 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

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

LD 1897 An Act To Authorize the Expungement of Records of Nonviolent Crimes

ONTP

Sponsor(s)

DILL J
NADEAUC

Committee Report

ONTP

Amendments Adopted

This bill allows a person convicted of a Class E, Class D or Class C crime to petition the court where the person was convicted to expunge all records of the crime five years after the completion of the person's sentence. Expungement is not available for persons who have subsequent convictions or pending criminal charges; for crimes involving bribery, corruption, violence or sex offenses; or for crimes that had as an element of the offense victims who were minors or were 65 years of age or older.

LD 1907 An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010

CARRIED OVER

Sponsor(s)

TALBOT ROSS R
MOORE M

Committee Report

Amendments Adopted

This bill amends the Act To Implement the Maine Indian Claims Settlement by:

1. Extending the criminal jurisdiction of the Penobscot Nation and the Passamaquoddy Tribe to persons who are not members of any federally recognized Indian tribe, nation, band or other group when such persons commit certain crimes on the Penobscot Indian Reservation or the Passamaquoddy Indian Reservation;
2. Expanding the jurisdiction of the Penobscot Nation and the Passamaquoddy Tribe from criminal offenses with a maximum period of imprisonment of one year and a maximum fine of \$5,000 for any one offense to criminal offenses with a maximum period of imprisonment of three years and a maximum fine of \$15,000 for any one offense but not to exceed a total penalty or punishment greater than imprisonment for nine years, as authorized by the federal Tribal Law and Order Act of 2010, Public Law 111-211; and
3. Ensuring that defendants prosecuted in the Penobscot Nation Tribal Court and Passamaquoddy Tribal Court have the rights afforded defendants by the federal Tribal Law and Order Act of 2010, Public Law 111-211; 25 United States Code, Section 1302 (2019); and the United States Constitution.

This bill, 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 1953 An Act Regarding Driver's License Suspensions for Nondriving Violations

PUBLIC 603

Sponsor(s)

MOONEN M

Committee Report

OTP

Amendments Adopted

This bill does the following.

Joint Standing Committee on Judiciary

1. It removes the provisions of law that provide for the suspension of a driver's license or permit for failure to pay a fine for an offense not related to driving and strikes the October 1, 2021, repeal provisions.
2. It repeals the provision of law that provides for the issuance of a restricted driver's license for failure to pay a fine for offenses not related to driving.
3. It repeals the provision, effective on October 1, 2021, that provides the statutory exemptions from attachment and execution for certain property do not apply to enforcement of fines owed to the State.

Enacted Law Summary

Public Law 2019, chapter 603 does the following.

1. It removes the provisions of law that provide for the suspension of a driver's license or permit for failure to pay a fine for an offense not related to driving and strikes the October 1, 2021, repeal provisions.
2. It repeals the provision of law that provides for the issuance of a restricted driver's license for failure to pay a fine for offenses not related to driving.
3. It repeals the provision, effective on October 1, 2021, that provides the statutory exemptions from attachment and execution for certain property do not apply to enforcement of fines owed to the State.

LD 1960	An Act To Protect Communications between Bargaining Agents and Bargaining Unit Members	ONTP
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SYLVESTER M	ONTP	

This bill makes communications between a bargaining agent and a municipal or state employee confidential in proceedings before the Maine Labor Relations Board to the same extent that such communications would be subject to the lawyer-client privilege under the Maine Rules of Evidence if the bargaining agent were a lawyer.

LD 1963	An Act To Preserve the Value of Abandoned Properties by Allowing Entry by Mortgagees	PUBLIC 647
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN J JACKSON T	OTP-AM	H-759

The purpose of this bill is to assist communities and financial institutions when a home becomes abandoned by the property owner. This bill allows, under specific circumstances, a mortgagee or mortgage servicer to enter the property, secure the property and prevent further deterioration. This bill enhances the existing abandoned property laws and provides specific procedures for mortgage servicers and their designees to enter abandoned property for the purpose of abating an identified nuisance, preserving property or preventing waste. Mortgage servicers and their designees must post notices on properties prior to entering them, and the notices must contain information about the rights of the property owners and authorized occupants. Mortgage servicers and their designees may not enter property that is occupied.

Committee Amendment "A" (H-759)

This amendment replaces the bill. It allows a mortgage loan servicer to take certain actions to preserve the value of