

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 2038 An Act To Ensure the Safety of State Employees By Allowing Disclosure of Certain Information in Limited Circumstances CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C		

This bill amends the records confidentiality statute within the Child and Family Services and Child Protection Act to ensure that information may be disclosed to a social media service when necessary to report, investigate or remove a threat or serious intimidation attempt against an employee of the Department of Health and Human Services, an employee of the Attorney General's Office or an employee of the court.

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 2039 An Act To Provide for Judicial Review in Compliance with the Federal Legislation Known as the Family First Prevention Services Act CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MADIGAN C	OTP-AM	H-700

In order to claim federal reimbursement for the cost of a child's placement in a residential care facility under the federal legislation known as the Family First Prevention Services Act, this bill adds definitions to the Child and Family Services and Child Protection Act and creates a statutory requirement for a court hearing within 60 days of a child's placement in a qualified residential treatment program within a residential care facility. Additionally, this bill ensures that regular reviews of a child's placement in a qualified residential treatment program are conducted by the court.

Committee Amendment "A" (H-700)

This amendment adds an appropriations and allocations section.

This bill was carried over on the Special Appropriations Table to any special session of the 129th Legislature by joint order, S.P. 788.

LD 2040 An Act To Eliminate the Requirement That Municipalities Retain Paper Copies of Certain Vital Statistics Records PUBLIC 611

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

This bill eliminates municipal paper record retention requirements for maintaining death disposition permits and requires those permits to be maintained in the electronic death registration system. A copy of a permit must be made available to a member of the public upon a request made to the municipal clerk.

Enacted Law Summary

Public Law 2019, chapter 611 eliminates municipal paper record retention requirements for maintaining death disposition permits and requires those permits to be maintained in the electronic death registration system. A copy

Joint Standing Committee on Judiciary

of a permit must be made available to a member of the public upon a request made to the municipal clerk.

LD 2041 An Act To Allow Access to and Ensure the Confidentiality of Records of Child Advocacy Centers ONTP

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

This bill allows confidential information related to services provided by a child advocacy center to be disclosed to a court if the court finds the information may be necessary for the determination of an issue before the court. If the court determines the information is necessary for the resolution of the issue, the bill authorizes the court to issue a protective order allowing the counsel of record and the clients of the counsel of record to review the information.

LD 2079 An Act To Implement the Recommendations of the Family Law Advisory Commission Concerning Adoption and Minor Guardianship PUBLIC 664

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM ONTP	H-758

This bill was reported by the committee pursuant to Joint Rule 353 and then referred back to the committee for processing in the normal course. This bill implements the recommendations of the Family Law Advisory Commission as submitted to the Joint Standing Committee on Judiciary on December 1, 2019, pursuant to Public Law 2019, chapter 417, Part A, section 111.

Part A addresses the consent to an adoption by a minor adoptee and the person or agency having legal custody or guardianship of a minor adoptee. It also eliminates the ambiguity in the statute regarding whether the Department of Health and Human Services may consent to more than one petitioner by explicitly allowing the department to consent to more than one petitioner if the department concludes that multiple petitioners could each provide a suitable adoptive home for the child. Part A amends the Adoption Act (Title 18-C, Article 9 of the Maine Revised Statutes) to lower the age of a minor's consent to the minor's adoption from 14 years of age to 12 years of age. Currently, a child 12 years of age or older must consent to the child's adoption by a permanency guardian.

Part B addresses the termination of parental rights in the context of adoption.

Part C addresses post-adoption contact rights for siblings separated by adoption. It requires the court to provide notice of an adoption to any sibling of the child who has visitation or contact with the child under Title 22, section 4068. Part C also amends the Adoption Act to authorize an adoption court to order post-adoption sibling contact for adoptees who lived with a sibling for two or more years if such contact would be in the adoptee's and sibling's best interests and each sibling's parent, guardian or custodian has consented to the order. This language permits certain rights in Title 22, section 4068 to be extended potentially to any child separated from siblings by adoption, not only those in the child protection system.

Part D addresses adoptions from permanency guardianship. The parental consent requirement that is now in Title 22, section 4038-E, subsection 8, paragraph B is retained but amended to provide that the adoption petition must be filed and adjudicated in accordance with the Adoption Act. It clarifies that a permanency guardian may not seek an order terminating the parental rights of a parent as part of a petition to adopt the child. With this change, if a parent whose rights have not been terminated does not consent to the adoption, the adoption cannot proceed so long as the permanency guardianship is in place.