

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**  
129<sup>TH</sup> 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

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*..... 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 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.

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regulation of the United States that accords a special status or right to, or relates to a special status or right of, any Indian, Indian nation, tribe or band of Indians, Indian lands, Indian reservations, Indian country, Indian territory or land held in trust for Indians applies to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their members and is deemed not to affect or preempt the civil, criminal or regulatory jurisdiction of this State, including, without limitation, laws of this State relating to land use or environmental matters. This bill amends state law to explicitly provide that for the purposes of the Settlement Act, Section 16(b), the provisions of any federal law enacted after October 10, 1980, for the benefit of Indians, Indian nations or tribes or bands of Indians, apply to the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians and their members and is deemed not to affect or preempt the application of the laws of this State, including application of the laws of this State to lands owned by or held in trust for Indians or Indian nations, tribes or bands of Indians, regardless of whether such federal law is specifically made applicable within this State. Although not separately mentioned in the bill, the task force specifically recognized and recommended that the federal Indian Gaming Regulatory Act, Public Law 100-497, 102 Stat. 2467 (October 17, 1990), should apply in Maine. The portion of the bill addressing the Settlement Act, Section 16(b), accomplishes this goal. For a list of other federal statutes enacted after October 10, 1980 that may be implicated by this portion of the bill, see the Report on Federal Laws Enacted After October 10, 1980 for the Benefit of Indians or Indian Nations, prepared by the Human Rights and Indigenous Peoples Clinic, Suffolk University Law School, which is reproduced in Appendix N of the Task Force Report.

This bill amends the Maine Implementing Act to recognize the ability of all Maine tribes to acquire trust land in accordance with their settlement acts and federal laws, such as the Indian Reorganization Act and its implementing regulations. This bill amends state law so that, consistent with federal Indian law, state and local governments do not have veto power over trust acquisitions. Finally, although the bill specifically preserves the portions of the Maine Implementing Act relating to the resolution of the land claims that led to the original enactment of the Maine Implementing Act, as the task force recommends, the bill eliminates the time constraints on trust land acquisitions that are included in the Maine Implementing Act.

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

**LD 2102      An Act To Implement the Recommendations of the Right To Know      CARRIED OVER**  
**Advisory Committee**

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

This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6 and then referred back to committee for processing in the normal course. This bill implements the statutory recommendations of the Right To Know Advisory Committee as included in Appendix F in the Fourteenth Annual Report of the Right to Know Advisory Committee.

This bill adds a member to the Right To Know Advisory Committee who has legal or professional expertise in the field of data and personal privacy, to be appointed by the Governor.

This bill makes the following changes to the requirements for freedom of access training.

1. It clarifies that an official must complete training within 120 days of assuming the duties of the position.
2. It expands the municipal officials required to complete training to include code enforcement officers, town and city managers and administrators and planning board members and clarifies that deputies of municipal clerks,

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treasurers, managers or administrators, assessors and code enforcement officers must also complete training.

3. It clarifies that school superintendents, assistant superintendents and school board members are required to complete training.

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 2103     An Act To Implement the Recommendations of the Right To Know  
Advisory Committee Regarding Public Records Exceptions**

**PUBLIC 667**

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP	<u>Amendments Adopted</u>
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This bill was reported by the committee pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6 and then referred back to committee for processing in the normal course. This bill implements the recommendations of the Right To Know Advisory Committee concerning public records exceptions as included in Appendix C of the Fourteenth Annual Report of the Right To Know Advisory Committee.

Part A implements statutory changes initially recommended by the Right To Know Advisory Committee in 2019 pursuant to its responsibility to review existing public records exceptions and included in L.D. 1511, "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions."

Part B implements recommendations identified by the Right To Know Advisory Committee in 2019.

Part B directs the Office of Policy and Legal Analysis, in consultation with the Office of the Revisor of Statutes and the Right To Know Advisory Committee, to examine inconsistencies in statutory language related to the designation of information and records as confidential or not subject to public disclosure and to recommend standardized language for use in drafting statutes to clearly delineate what information is confidential and the circumstances under which that information may appropriately be released. The Office of Policy and Legal Analysis is required to submit a report with its recommendations to the Right To Know Advisory Committee on or before September 1, 2021.

### **Enacted Law Summary**

Public Law 2019, chapter 667 implements the recommendations of the Right To Know Advisory Committee concerning public records exceptions as included in Appendix C of the Fourteenth Annual Report of the Right To Know Advisory Committee.

Part A implements statutory changes initially recommended by the Right To Know Advisory Committee in 2019 pursuant to its responsibility to review existing public records exceptions and included in L.D. 1511, "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions."

Part A eliminates specific protection under the Freedom of Access Act for social security numbers in the context of constituent communications because social security numbers are designated as not public records for all contexts.

Current law provides that personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services is not a public record as long as the municipality has adopted an ordinance that protects the information from disclosure. Part A removes the