

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 2118

An Act To Establish an Enhanced Process for Tribal-State Collaboration and Consultation and To Develop a Process for Alternative Dispute Resolution

CARRIED OVER

Sponsor(s)

Committee Report

Amendments Adopted

This bill was reported by the committee pursuant to Joint Order, H.P. 1307, and referred back to the committee for processing in the normal course. This bill reflects the recommendations of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians to establish a formal government-to-government consultation process between the tribes and the State.

The bill establishes a requirement that state agencies consult with the tribes prior to engaging in any proposed action that may directly affect the tribes. It requires state agencies to request tribal consultation in writing and to provide the tribes with at least 30 days to respond and to agree to or decline consultation. If a state agency is required by outside legal factors to act earlier, the State must provide as much time for consultation as possible. If a tribe agrees to consultation, the State must provide preliminary drafts or proposals to the tribe and engage in meaningful and timely in-person consultation. The State must explain in writing to the tribe how it has or has not addressed tribal concerns.

The bill requires tribal consent prior to proposed actions that could cause substantial or irreparable harm to tribal communities or tribal rights, including but not limited to reserved treaty rights and other tribal rights in land, water and other natural resources.

The bill authorizes the State to enter into cooperative agreements with federally recognized Indian tribes within the State to facilitate cross-jurisdictional cooperation and the delivery of government services and to avoid disputes.

The bill establishes the annual assembly of the Governor and chiefs of each tribe and the biennial legislative assembly to discuss issues relating to the relationship between the State and the tribes.

The bill directs the Maine Indian Tribal-State Commission to report, by November 15, 2020, on its study of alternative dispute resolution options and best practices for facilitating resolution of tribal-state disputes. It authorizes the joint standing committee of the Legislature having jurisdiction over judiciary matters to report out legislation based on the recommendations of the commission.

Finally, the bill directs the Governor to work with the chiefs of each tribe to establish the Bicentennial Accord in order to institutionalize general principles governing tribal-state relations. It directs the Maine Indian Tribal-State Commission to provide logistical support and technical assistance in developing the Bicentennial Accord.

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 2153

An Act To Establish an Accidental Drug Overdose Death Review Panel

CARRIED OVER

Sponsor(s)

CARPENTER M

Committee Report

Amendments Adopted