

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**STAFF:**

MARGARET J. REINSCH, SENIOR LEGISLATIVE ANALYST  
SAM SENFT, LEGISLATIVE ANALYST  
OFFICE OF POLICY AND LEGAL ANALYSIS  
13 STATE HOUSE STATION  
AUGUSTA, ME 04333  
(207) 287-1670  
<http://legislature.maine.gov/legis/opla/>

**MEMBERS:**

SEN. MICHAEL E. CARPENTER, CHAIR  
SEN. SHENNA BELLOWS  
SEN. LISA M. KEIM

REP. DONNA BAILEY, CHAIR  
REP. CHRISTOPHER BABBIDGE  
REP. BARBARA A. CARDONE  
REP. LOIS GALGAY RECKITT  
REP. RACHEL TALBOT ROSS  
REP. THOM HARNETT  
REP. DAVID G. HAGGAN  
REP. PHILIP CURTIS  
REP. JOHN DEVEAU  
REP. JEFFREY EVANGELOS

# 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.

*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

*Joint Standing Committee on Judiciary*

This bill establishes the Accidental Drug Overdose Death Review Panel to review a select number of deaths caused by accidental drug overdoses and to recommend to state, county and local agencies methods of preventing deaths as the result of accidental drug overdoses including modification or enactment of laws, rules, policies and procedures.

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 2160      An Act Relating To the Statute of Limitations for Injuries or Harm      CARRIED OVER**  
**Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances**

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

This bill provides that an action arising out of any harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance must be commenced within six years after the plaintiff discovers or should have discovered such harm or injury.

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.