

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



Disposition of bills and summaries of all laws enacted or finally passed

**JOINT STANDING COMMITTEE ON JUDICIARY**

December 2021

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## JOINT STANDING COMMITTEE ON JUDICIARY

### **LD 27 An Act To Provide an Immediate Opportunity To Appeal for a Juvenile Bound Over into Criminal Court**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 23 provides that a juvenile may appeal the Juvenile Court's bind-over decision to try the juvenile as an adult either immediately after the bind-over decision or following a judgment of conviction as an adult.

### **LD 32 An Act Regarding Remote Participation in Public Proceedings**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 290 provides authorization for any public body subject to the Freedom of Access Act to conduct public proceedings by remote methods if the public body adopts a policy that meets certain requirements. "Remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means, including but not limited to e-mail, text messages and chat functions.

The policy governing remote participation must be adopted by the public body only after notice and hearing. The policy establishes the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods.

The policy must provide that members of the body are expected to be physically present for public proceedings except when being physically present is not practicable. The policy must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided.

Notice of the proceeding must be provided as required in the Freedom of Access Act. When the public may attend by remote methods, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may not determine that public attendance at a proceeding will be limited solely to remote methods except when an emergency or urgent issue exists that requires the public body to meet by remote methods.

A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting.

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All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public.

The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the public body in person, as long as additional costs are not incurred by the public body.

Town meetings and regional school unit budget meetings may not be conducted using remote methods.

These provisions do not apply to the Legislature or to any public bodies whose proceedings are specifically addressed by statute.

Public Law 2021, chapter 290 was enacted as an emergency measure effective June 21, 2021.

### **LD 132 An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 460 requires all law enforcement agencies, beginning July 1, 2023, to collect information about each person stopped for a traffic infraction. The information must include the characteristics of race, color, ethnicity, gender and age of those persons. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information. The information must also include whether a warning or citation was issued, an arrest was made or a search was conducted as a result of the stop. Each law enforcement agency must report the information to the Attorney General, who is required to report the information, along with analysis and any recommendations, to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters beginning January 15, 2024 and annually thereafter. The report must be made available to the public.

The Attorney General is directed to adopt rules governing the recording, retention and reporting of the information. In adopting the rules, the Attorney General must consult with the Commissioner of Public Safety and other interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The Attorney General must ensure that the parties consulted represent the racial and ethnic diversity of the State.