

MAINE STATE LEGISLATURE

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STATE OF MAINE
130TH 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 1521 An Act To Strengthen Protections against Civil Asset Forfeiture

ENACTED LAW SUMMARY

Public Law 2021, chapter 454 does the following:

1. It eliminates the statutory language describing civil forfeiture;
2. It requires that, for property to be forfeited under criminal forfeiture laws, the owner of the property subject to forfeiture be convicted of a crime in which the property was involved, with certain limited exceptions;
3. It repeals language describing the procedure for perfecting title to abandoned vehicles;
4. It prohibits a law enforcement agency or other entity from entering into an agreement to transfer or refer the property seized to a federal agency;
5. It requires that the Department of Public Safety post records describing forfeited property on a publicly accessible website; and
6. It adds language describing the right to a prompt post-seizure hearing for a defendant or any person with an interest in the property.

LD 1577 Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations

ENACTED LAW SUMMARY

Resolve 2021, chapter 99 directs the Maine Commission on Domestic and Sexual Abuse to convene a working group to study the possible solutions to emergency child custody situations and enforcement of existing orders. It directs the commission to submit a report by December 15, 2022, including any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out legislation to the First Regular Session of the 131st Legislature.

LD 1591 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names

ENACTED LAW SUMMARY

Resolve 2021, chapter 98 directs the Department of Agriculture, Conservation and Forestry to work jointly with the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to do the following:

JOINT STANDING COMMITTEE ON JUDICIARY

1. Review the Maine Revised Statutes, Title 1, section 1101 to determine and suggest any additional words to be included in the current definition of offensive name;
2. Establish a uniform process for renaming geographic features and other places that have offensive names; and
3. Explore the most effective methods of identifying the individuals, entities and institutions in the State that profited or benefited in any manner from the global economy of enslavement.

The resolve provides that it is the intent of the Legislature that the department and commission carry out its responsibilities within their existing resources. It allows the department and commission to solicit, accept and expend funds to cover any expenses that are in excess of existing resources. The resolve requires the department to submit a report to the Joint Standing Committee on Judiciary by December 1, 2021. The joint standing committee is authorized to submit a bill related to the report to the Second Regular Session of the 130th Legislature.

LD 1606 An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Corporations

ENACTED LAW SUMMARY

Public Law 2021, chapter 317 requires a nonprofit corporation that provides dwelling units in a multi-unit residential building to include a current tenant on its board of directors. The requirement for a director who is a tenant applies to any nonprofit corporation that has an ownership interest in any multifamily rental housing. If the corporation is unable to find a tenant to serve as a director, it must advertise the position to current tenants on an annual basis. The corporation must post in a public location in each building in which the corporation has an interest the name and contact information of the tenant director. Chapter 317 does not apply to a nonprofit corporation that only provides emergency shelter or short-term transitional housing.

LD 1612 An Act To Facilitate Children's Testimony in Certain Sex Crime Cases

ENACTED LAW SUMMARY

Public Law 2021, chapter 395 allows the court, upon motion by the State, to allow a child 14 years of age or younger to provide direct testimony in certain sex crime cases outside the presence of the defendant from a children's advocacy center through the use of audiovisual electronic means. It clarifies that the defendant's attorney must be provided an opportunity in real time to cross-examine the child after the child's direct testimony. It requires that the defendant be able to observe the child's testimony while it is happening and be able to communicate with the defendant's attorney during the testimony.