

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST LEGISLATURE
FIRST REGULAR AND FIRST SPECIAL SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

October 2023

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STAFF:

JANET STOCCO, LEGISLATIVE ANALYST
SAMUEL PRAYER, LEGISLATIVE ANALYST
OFFICE OF POLICY AND LEGAL ANALYSIS
13 STATE HOUSE STATION
AUGUSTA, ME 04333
(207) 287-1670
<http://legislature.maine.gov/opla>

*Committee member for a portion of the session

STATE OF MAINE
131ST LEGISLATURE
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**LEGISLATIVE DIGEST OF BILLS AND
SUMMARIES OF ENACTED LAWS**

This *Legislative Digest of Bills and Summaries of Enacted Laws* provides the disposition of all LDs and summaries of all laws enacted or finally passed during the First Regular and First Special Sessions of the 131st Maine Legislature. Please note that all LDs and proposed amendments may be found through the Legislature’s webpage, and each includes a summary of what the bill or amendment proposed.

The *Legislative Digest of Bills and Summaries of Enacted Laws* is arranged alphabetically by committee. Within each committee section is a subject index of all LDs considered by that committee as well as a digest of the LDs, arranged by LD number. Also included are enacted law summaries of the LDs enacted or finally passed. Brief analyst notes on certain LDs are also included: a committee digest will indicate if additional notes are provided for an LD. These notes add information staff found useful and may provide useful information to users of this *Digest*; please note that most LDs do not have a note and lack of a note should not be interpreted as having any significance. A separate section of the *Digest* provides a digest of the relatively few LDs that were not referred to a committee or reported from a committee as a committee bill; enacted law summaries of the LDs enacted or finally passed are provided. Finally, an appendix provides a summary of relevant session statistics.

The final disposition of each LD is noted in the relevant summary digest and index. 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 and First Special Sessions of the 131st Legislature is Thursday, June 29, 2023 and Wednesday, October 25, 2023, respectively. 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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LD 1251 An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities

ENACTED LAW SUMMARY

Public Law 2023, chapter 350 provides expanded immunity under the Maine Tort Claims Act for a municipality performing recycling activities only if the municipality has adopted and regularly enforces a written policy, developed by a credentialed industrial hygienist and in compliance with federal law, establishing reasonable safety standards applicable to the premises where the municipality performs recycling activities.

LD 1312 An Act to Limit the Immunity of Charitable Organizations

ENACTED LAW SUMMARY

Public Law 2023, chapter 351 amends the State's immunity provisions related to charitable organizations to provide that charitable immunity is not a defense or a means to limit damages for sexual assault of a minor or sexual exploitation of a minor. This law applies to any civil action or proceeding that is pending as of the effective date of the law, any tortious conduct that occurred prior to the effective date of the law and any civil action or proceeding that occurs on or after the effective date of the law.

LD 1322 An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation

ENACTED LAW SUMMARY

Public Law 2023, chapter 158 implements the recommendations of the Right To Know Advisory Committee by making the following changes to the law authorizing a public body to adopt a written policy governing the conditions upon which members of the public body and the public may participate in public proceedings using remote methods.

1. It adds additional language to reinforce the authority of a public body to allow not only the members of the public body but also members of the public to participate in a public proceeding by remote methods.
2. It prohibits a public body under the jurisdiction of the county commissioners of a county, municipal officers of a municipality or officers of a regional or other political subdivision that have adopted a remote participation policy from adopting its own remote participation policy unless the county commissioners, municipal officers or other officers of the regional or other political subdivision specifically authorize it to do so.

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3. It clarifies that, regardless of the remote participation policies adopted by other public bodies, a school board has the authority to choose to adopt or to choose not to adopt its own remote participation policy.

LD 1343 An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation

ENACTED LAW SUMMARY

Public Law 2023, chapter 352 prohibits a county, municipality or other political subdivision of the State from adopting any order, ordinance, rule or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion.

LD 1362 An Act to Ensure the Rights of Survivors of Sexual Assault

ENACTED LAW SUMMARY

Public Law 2023, chapter 199 provides that a sexual assault survivor has the right to consult with a sexual assault counselor during a sexual assault forensic examination and to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator about the reported sexual assault.

Public Law 2023, chapter 199 also provides that evidence gathered during a sexual assault forensic examination may not be used to prosecute the sexual assault survivor for a Class D or Class E drug offense, any crime of operating under the influence, any crime of violating a condition of release, any crime of engaging in prostitution, any violation of the State's liquor laws or any juvenile crime based on a violation of the foregoing laws. The evidence gathered during a sexual assault forensic examination also may not be used as the basis of a motion to revoke any conditional release of the survivor or as a basis to search for further evidence that a sexual assault survivor committed any of these crimes or offenses.

LD 1397 An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Records of Disciplinary Actions Against Public Employees

ENACTED LAW SUMMARY

Public Law 2023, chapter 159 amends the statutes governing state and county employee personnel records to require that a final written decision imposing discipline on a state or county employee must state the conduct or other facts on the basis of which disciplinary action is being imposed and the conclusions of the state or county employer as to the reasons for that action. As the Right to Know Advisory Committee observed in its Seventeenth Annual Report, similar language is already included in the statute governing municipal employee personnel records.