

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
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

MEMBERS:

SEN. ANNE M. CARNEY, CHAIR
SEN. DONNA BAILEY
SEN. PETER LYFORD*
SEN. ERIC BRAKEY*

REP. MATTHEW W. MOONEN, CHAIR
REP. LOIS GALGAY RECKITT
REP. STEPHEN W. MORIARTY
REP. ERIN R. SHEEHAN
REP. ADAM R. LEE
REP. AMY D. KUHN
REP. JENNIFER L. POIRIER
REP. JOHN ANDREWS
REP. DAVID G. HAGGAN
REP. RACHEL ANN HENDERSON
REP. AARON M. DANA

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
FIRST REGULAR AND FIRST SPECIAL SESSIONS



**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.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 1423 An Act to Increase the Limits on Awards for Compensatory and Punitive Damages Under the Maine Human Rights Act

ENACTED LAW SUMMARY

Public Law 2023, chapter 263 increases the maximum total amount of compensatory and punitive damages, other than for back pay, that may be awarded in cases of intentional employment discrimination under the Maine Human Rights Act.

LD 1425 An Act to Strengthen Freedom of Access Protections by Allowing Remote Meetings to Be Recorded

ENACTED LAW SUMMARY

Public Law 2023, chapter 185 requires that, when members of the public may attend a public proceeding remotely, the public body must allow remote recording of the meeting by members of the public using the same electronic platform that is used to conduct the meeting as long as the platform allows participants other than the host to record the proceeding remotely, additional costs are not incurred by the public body and the recording does not interfere with the orderly conduct of the proceeding.

LD 1435 An Act to Reduce Commercial Sexual Exploitation

ENACTED LAW SUMMARY

Public Law 2023, chapter 316 amends the Maine Criminal Code in the following ways and makes corresponding technical changes.

1. It eliminates the crime of engaging in prostitution.
2. It renames the crime of patronizing prostitution of a minor or a person with a mental disability to commercial sexual exploitation of a minor or a person with a mental disability; renames the crime of solicitation of a child to engage in prostitution to solicitation of a child for commercial sexual exploitation; and renames the crime of engaging a prostitute to engaging a person for prostitution.
3. It changes from a Class D crime to a Class C crime the crime of solicitation of a child for commercial sexual exploitation.
4. It establishes a defense to prosecution for conspiracy to commit the crime of engaging a person for prostitution if the defendant's participation was engaging or agreeing to personally engage in a sexual act with a patron.

JOINT STANDING COMMITTEE ON JUDICIARY

5. It establishes a defense to prosecution for sex trafficking if the defendant's actions consisted of publicly soliciting a patron to engage in prostitution only with the defendant.
6. It adds commercial sexual exploitation to the list of circumstances in a child's family background that would qualify the child as a special needs child under the adoption assistance program.

LD 1436 An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation

ENACTED LAW SUMMARY

Public Law 2021, chapter 409 establishes a process for the sealing of a person's criminal history record for the former crime of engaging in prostitution in the State if the person can demonstrate at a hearing, by a preponderance of the evidence, that at least one year has passed since the person completed the sentence or sentencing alternatives for that offense and the person has not been convicted of certain sex trafficking and related offenses in any jurisdiction.

LD 1449 An Act to Amend the Laws Regarding Violations of Condition of Release

ENACTED LAW SUMMARY

Public Law 2023, chapter 293 removes the provisions under the offense of violation of condition of release that increase the offense from a Class E crime to a Class C crime when the underlying crime is punishable by a maximum period of imprisonment of one year or more and the condition of release violated is a requirement to enter into and remain in a long-term residential facility for the treatment of substance use disorder or a requirement to return to custody for specified hours following release for employment, schooling or other limited purposes.

LD 1461 An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes

ENACTED LAW SUMMARY

Public Law 2023, chapter 465 amends provisions of the Maine Criminal Code defining domestic violence offenses to include situations in which the victim and the perpetrator are "dating partners" as that term is defined in the protection from abuse laws. It also amends several provisions of the Maine Criminal Code that currently apply when the victim is a family or household member of the defendant to apply when the victim is a dating partner of the defendant, including provisions authorizing warrantless arrests, establishing sentencing factors and setting maximum terms of probation for certain offenses and a provision requiring victim notification when a defendant is released on pre-conviction bail.