

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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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 1613 An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine

ENACTED LAW SUMMARY

Part A of Public Law 2023, chapter 368 requires each law enforcement agency to select, assign and train a civil rights officer. The agency must notify the Attorney General of the identity of its civil rights officer and make contact information for its civil rights officer publicly available.

Part B of Public Law 2023, chapter 368 prohibits a law enforcement officer or agency from engaging in profiling by relying, to any degree, on an individual's race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familiar status in deciding which individuals to subject to a traffic or pedestrian stop or in deciding the scope of law enforcement activities following a traffic or pedestrian stop, except that an agency or officer may consider or rely on characteristics provided in a specific suspect description. A law enforcement agency or officer that improperly engages in profiling may be subject to disciplinary action by the Board of Trustees of the Maine Criminal Justice Academy.

Part C of Public Law 2023, chapter 368 retroactively changes from January 1, 2023 to January 1, 2024 the date by which the Attorney General must adopt rules for the recording, retention and reporting of information regarding persons stopped for traffic infractions. It also changes from July 1, 2023 to July 1, 2024 the date on which law enforcement agencies are required to begin recording, retaining and reporting information regarding traffic infractions in accordance with those rules.

LD 1619 An Act to Improve Maine's Reproductive Privacy Laws

ENACTED LAW SUMMARY

Public Law 2023, chapter 416 amends the law requiring a health care professional to report an abortion to the Department of Health and Human Services by replacing the requirement to use a form based on the United States Standard Report of Induced Termination of Pregnancy with a requirement to use a report that does not identify the patient but must contain specific information including the date and place the abortion was performed, the age of the patient, the method used to perform the abortion and the gestational age of the fetus at the time of the abortion.

Public Law 2023, chapter 416 also provides that, after viability, an abortion may be performed only when it is necessary in the professional judgment of a licensed physician. In making this professional judgment, the physician must apply the applicable standard of care.

Finally, Public Law 2023, chapter 416 repeals the specific criminal penalties applicable when a person performs an abortion without being licensed as a physician, physician assistant or advanced practiced registered nurse and when a person performs an abortion after viability that is not necessary to preserve the life or health of the mother. A person who performs an abortion without being licensed as a physician, physician assistant or advanced practice registered nurse may nevertheless be subject to criminal prosecution for committing the Class E crime of unlicensed

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practice of medicine and may also be subject to additional civil or criminal penalties under other provisions of law.

At the time this bill was voted, Senator Jill Duson had been temporarily appointed to the committee to replace Senator Donna Bailey.

LD 1620 An Act To Amend the Laws Regarding the Mi'kmaq Nation and to Provide Parity to the Wabanaki Nations

ENACTED LAW SUMMARY

Public Law 2023, chapter 369 provides for greater parity between the jurisdiction recognized by the State of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the Mi'kmaq Nation, referred to collectively in this summary as the Wabanaki Nations.

Part A of Public Law 2023, chapter 369 amends Public Law 1989, chapter 148, which governs the jurisdictional relationship between the State and the Mi'kmaq Nation, as follows.

1. It renames the laws governing the jurisdiction of the Mi'kmaq Nation within the State the "Mi'kmaq Nation Restoration Act" and, for purposes of that Act, newly defines "Mi'kmaq Nation Jurisdiction Land" to mean all land held by the United States Secretary of the Interior in trust for the Mi'kmaq Nation as of the effective date of the Act as well as all land acquired by the secretary in trust for the nation after the effective date of the Act if it is within Aroostook County and within 50 miles of land held in trust for the nation on the effective date of the Act.
2. It provides that, similar to the other Wabanaki Nations in the State and except as provided in the Act, the Mi'kmaq Nation, the nation's members and lands and natural resources held by or in trust for the nation and its members are subject to the laws of the State and to the civil and criminal jurisdiction of the courts of the State.
3. It recognizes the authority of the Mi'kmaq Nation, similar to the authority of the Passamaquoddy Tribe and the Penobscot Nation, to exercise exclusive jurisdiction over internal tribal matters; to exercise power similar to that of a municipality within Mi'kmaq Nation Jurisdiction Land, including the power to enact ordinances; and to sue and be sued in the courts of the State. It also recognizes the Mi'kmaq Nation's immunity from suit when the nation is acting in a governmental capacity.
4. It recognizes the Mi'kmaq Nation's authority to enact ordinances regulating hunting, trapping and fishing within Mi'kmaq Nation Jurisdiction Land and requires that lands or waters subject to regulation by the nation be clearly posted. The hunting, trapping and fishing ordinances adopted by the nation must be equally applicable to members and nonmembers of the nation except that members of the Mi'kmaq Nation may take fish for their individual sustenance within the boundaries of Mi'kmaq Nation Jurisdiction Land. It also provides that the Commissioner of Inland Fisheries and Wildlife may conduct fish and wildlife surveys within Mi'kmaq Nation Jurisdiction Land and establishes a process for the adoption of remedial

ENACTED LAW SUMMARIES