

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
131<sup>ST</sup> LEGISLATURE  
SECOND REGULAR SESSION



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

June 2024

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# STATE OF MAINE

131<sup>ST</sup> 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 Second Regular Session 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 Second Regular Session of the 131st Legislature is Friday, August 9, 2024. 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 1576 An Act to Update the Laws Governing Electronic Device Information as Evidence**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 499 amends the provisions of current law that require state and local government entities to obtain a search warrant, unless certain enumerated circumstances exist, before accessing information regarding the content of portable electronic device communications to provide that the same provisions apply when state or local government entities seek to obtain content information associated with electronic devices that are not portable. It also clarifies that these provisions of law apply when the electronic device content information a state or local government entity seeks to obtain is stored by a remote computing service that provides Internet storage to the public, commonly referred to as a “cloud storage service.”

### **LD 1596 An Act to Expand Access to Drug Treatment Courts**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 522 provides that the goals of the substance use disorder treatment programs that the Judicial Department is authorized to establish include ensuring that such programs are available statewide and are accessible to residents in rural areas of the State.

### **LD 1835 An Act to Require the State to Notify Indian Tribes and Indian Nations When New Laws Are Enacted That Need to Be Certified**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 620, Part A, requires the Secretary of State, within 15 business days after the final adjournment of a legislative session, to notify the chiefs of the Penobscot Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Mi’kmaq Nation, or the relevant designees, of each item of legislation enacted during the legislative session that, pursuant to federal law, will not take effect unless the Secretary of State receives written certification that the nation, tribe or band agrees to the legislation. The notice must inform the chief or designee of each nation, tribe or band of any deadline included in the legislation for transmittal of a written certification of agreement; this deadline may not be less than 120 days after final adjournment of the legislative session. The Secretary of State must send a second notice between 60 and 75 business days after final adjournment to the chief or designee of each nation, tribe or band, identifying each item of legislation for which a required certification of agreement has not yet been received.

Public Law 2023, chapter 620, Part B extends the deadline for the Chief of the Penobscot Nation or the chief’s designee, the Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passamaquoddy Tribe at Motahkomikuk or the chiefs’ designee and the Chief of the Houlton Band

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of Maliseet Indians or the chief's designee to certify their respective agreements to Public Law 2023, chapter 370, An Act Regarding the Maine Indian Tribal-State Commission.

### **LD 1937 An Act Regarding the Transportation of Hazardous Materials by Railroad Companies**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 618 requires a railroad company to submit to the Commissioner of Transportation, on request, records related to routine inspections of trains, rail corridors and safety equipment and provides that these records are not public records for purposes of the Freedom of Access Act. It also requires railroad companies to submit prevention and response plans to the Department of Environmental Protection.

Public Law 2023, chapter 618 also establishes procedures and notices to be provided to agencies and the public in the event of a mainline train derailment involving hazardous materials and clarifies that any such records are public records for purposes of the Freedom of Access Act. It also requires railroad companies to offer periodic training to fire departments and emergency medical services to address train derailments and requires the Commissioner of Transportation to conduct a review after any accident involving hazardous materials. After conducting a post-accident review, the commissioner must submit a report to the joint standing committees of the Legislature having jurisdiction over railroads and public records matters.

Public Law 2023, chapter 618 was enacted as an emergency measure effective April 12, 2024.

### **LD 2007 An Act Regarding the Criminal Jurisdiction of Tribal Courts and to Extend the Time for the Penobscot Nation to Certify Its Agreement to Public Law 2023, Chapter 369**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 647, Parts A to D, amend An Act to Implement the Maine Indian Claims Settlement, commonly known as “the Maine Implementing Act”, and the Mi’kmaq Nation Restoration Act to adopt most of federal Indian law related to the criminal jurisdiction of tribal courts, including the Indian Civil Rights Act of 1968, the Tribal Law and Order Act of 2010 and the tribal jurisdiction provisions of the Violence Against Women Act Reauthorization Act of 2022. It expands the criminal jurisdiction of the Passamaquoddy Tribal Court, the Penobscot Nation Tribal Court and the Houlton Band of Maliseet Indians Tribal Court as well as the potential criminal jurisdiction of the Mi’kmaq Nation Tribal Court, collectively referred to in this summary as “the tribal courts of the Wabanaki Nations” in the following ways.

1. It recognizes the exclusive jurisdiction of the tribal courts of the Wabanaki Nations over Class C, D and E crimes committed within the relevant Wabanaki Nation’s respective Indian territory or jurisdiction land by an adult member of a federally recognized Indian tribe if those crimes: