

MAINE STATE LEGISLATURE

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STATE OF MAINE
131ST 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

131ST LEGISLATURE
SECOND REGULAR SESSION



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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Public Law 2023, chapter 637 also clarifies the language of other confidentiality provisions in Title 22 in the following ways.

1. It clarifies that a record relating to a medical examiner case is confidential and that the location or custodian of the record does not affect the record's confidentiality.
2. It clarifies that a professional or occupational licensing board that receives confidential information from the Director of the Office of Child and Family Services or the Director of the Office of MaineCare Services within the Department of Health and Human Services may release that confidential information during the pendency of an investigation to the person being investigated as provided in Title 10, Section 8003-B, subsection 2, paragraph G, as long as that confidential information is not further disclosed for any other purpose.
3. It clarifies that any personally identifiable information obtained by the Maine Health Insurance Marketplace is confidential.

LD 2218 An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information

ENACTED LAW SUMMARY

Public Law 2023, chapter 666 removes the requirement that, to be eligible to file a post-judgment motion to seal criminal history record information related to a criminal conviction for certain Class E crimes, the person must have been between 18 and 27 years of age at the time the person committed the crime.

LD 2219 An Act to Implement the Recommendations Regarding the Maine Commission on Public Defense Services

ENACTED LAW SUMMARY

Public Law 2023, chapter 638 amends the laws governing the Maine Commission on Public Defense Services and related provisions of law in the following ways.

1. It clarifies the commission's purpose to provide high-quality, effective and efficient representation and to promote due process for persons who receive indigent legal services in parity with the resources of the State and consistent with federal and state constitutional and statutory obligations.
2. It requires that the commission's executive director be an attorney licensed to practice law and a member in good standing of the bar of the State.

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3. It defines “employed counsel” to mean an attorney employed by the commission to provide legal services directly to persons who are eligible to receive indigent legal services in civil proceedings and defines “public defender” to mean an attorney employed by the commission to provide legal services directly to persons who are eligible to receive indigent legal services in criminal and juvenile proceedings and clarifies that an attorney employed by the commission may serve in both capacities.
4. It specifies that when the commission, through employed counsel and public defenders, retains investigative and expert services that are reasonably necessary for case-specific purposes, those services are not required to be made through the state procurement process.
5. It clarifies that any information subject to a privilege under the Maine Rules of Evidence or the Maine Rules of Professional Conduct or otherwise protected by the attorney-client privilege remains confidential when it is in the possession or control of the commission or when it is received, obtained, maintained or stored by or on behalf of employed counsel and public defenders.
6. It clarifies that, to ensure an adequate pool of qualified attorneys, the commission has a duty to develop training and evaluation programs for attorneys throughout the State to provide representation in criminal, juvenile, child protective, involuntary commitment and all other types of proceedings for which parties may be entitled to receive indigent legal services.
7. It clarifies that, although information obtained or gathered by the commission through a formal or informal complaint or when performing an evaluation or investigation of an attorney is generally confidential, if the attorney appeals from a decision finding the attorney ineligible to receive case assignments, the information may be disclosed at a public hearing conducted by the commission on the appeal unless the information is protected by the attorney-client privilege or by any other provision of law, the Maine Rules of Evidence or the Maine Rules of Professional Conduct.
8. It requires that a Juvenile Court consider any juvenile who requests counsel to be indigent for the purposes of appointing counsel; authorizes Maine criminal justice agencies to disseminate confidential juvenile history record information to the commission for the purposes of assigning, evaluating or supervising counsel; and requires the Juvenile Court, on request, to disseminate juvenile case records to the commission for the purposes of assigning, evaluating or supervising counsel.
9. It provides that the executive director of the commission or the executive director’s designee may attend and observe child protection proceedings for purposes related to assigning, evaluating or supervising counsel unless the court finds that the executive director’s or designee’s attendance at all or a part of a proceeding is inappropriate under the particular circumstances of that proceeding. It also requires the court and authorizes the Department of Health and Human Services to disclose child protective records to the commission for the purposes of assigning, evaluating or supervising counsel.