

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
SECOND REGULAR SESSION



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

JOINT STANDING COMMITTEE ON JUDICIARY

June 2024

MEMBERS:

SEN. ANNE M. CARNEY, CHAIR
SEN. DONNA BAILEY
SEN. ERIC BRAKEY

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

STAFF:

JANET STOCCO, LEGISLATIVE ANALYST
ELIAS MURPHY, 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
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.

JOINT STANDING COMMITTEE ON JUDICIARY

LD 2224 An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System

ENACTED LAW SUMMARY

Public Law 2023, chapter 675 makes the following changes to the laws governing dangerous weapons, including firearms, and mental health services.

1. Under current law, it is a Class D crime for a person to own, possess or have under that person's control a firearm if that person is a restricted person under an extreme risk protection order in this State. Public Law 2023, chapter 675 similarly makes it a Class D crime for a person to own, possess or have under that person's control a firearm if that person is a restricted person under an order issued by another jurisdiction that is similar to an extreme risk protection order in this State.
2. Under current law, it is a Class D crime to intentionally or knowingly sell or transfer a firearm to a person who is prohibited from owning, possessing or having under that person's control a firearm. Public Law 2023, chapter 675 also prohibits recklessly selling or transferring a firearm to a person who is prohibited from owning, possessing or having under that person's control a firearm and elevates the classification of this offense to a Class C crime.
3. It provides that a seller who is not a federally licensed firearms dealer and who sells a firearm to a buyer at a gun show or as a result of an advertisement may not complete the transaction unless the seller facilitates the transaction through a federally licensed firearms dealer. The dealer must perform a background check of the putative buyer by using the Federal Bureau of Investigation, National Instant Criminal Background Check System in the same manner as if the dealer were the seller of the firearm that is the subject of the transaction. If the background check reveals that the putative buyer is prohibited from purchasing a firearm, the dealer must notify the seller of that fact and of the fact that the transaction may not proceed. The dealer may charge a reasonable fee for serving as the facilitator. Sale of a firearm in violation of this provision is a Class C crime. This provision does not apply to a transaction in which the buyer and seller are family members as defined in the law or a transaction for a firearm that is an antique firearm or to a transaction for a firearm that is a curio or relic if the sale, transfer or exchange is between collectors of firearms as curios or relics who each have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives.
4. It provides that if a law enforcement officer is unable to take a person into protective custody to conduct an assessment in connection with an extreme risk protection order, the law enforcement officer may apply for a protective custody warrant. The officer must submit an affidavit of probable cause for a protective custody warrant to a Justice of the Superior Court, Judge of the District Court or justice of the peace, who must issue the warrant upon finding the affidavit is sufficient to establish:

JOINT STANDING COMMITTEE ON JUDICIARY

- A. Probable cause to believe that the person is mentally ill and due to that condition presents a likelihood of serious harm;
 - B. Probable cause to believe that the person possesses, controls or may acquire a dangerous weapon; and
 - C. That the officer has made reasonable attempts to take the person into custody without a warrant.
5. It provides that an assessment performed in connection with an extreme risk protection order may be facilitated using telehealth technology and that the medical practitioner may rely on information provided by a third party who has recently personally observed or conversed with the person being assessed. It also changes the required timing of certain events related to an extreme risk protection order, including by extending, from 14 to 30 days after a restricted person has been notified of the initial restrictions, the deadline for the District Court to hold a hearing to determine whether to dissolve or to extend initial restrictions against possessing or owning a dangerous weapon. This deadline may be extended upon a showing of good cause.
 6. It requires the Department of Health and Human Services to provide children and families injury and violence prevention programs, including data collection, synthesis and evaluation.
 7. It also requires the Department of Health and Human Services to develop a plan for and provide assistance to a statewide network of crisis receiving centers to provide immediate and short-term mental health and substance use disorder crisis stabilization services.

LD 2235 Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms

ENACTED LAW SUMMARY

Resolve 2023, chapter 163 directs the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council, within existing resources, to perform the following duties with respect to any form, application or other document that requires the designation of a person's gender, unless the form, application or other document is created pursuant to federal law or regulation or for the purpose of multijurisdictional cooperation and uniformity.

1. All such printed forms, applications and other documents must be updated by December 31, 2024 to add an option to designate "X" for gender unless the designation of a person's gender is not necessary for the purposes of the form, in which case the question must be removed from the form.