

# MECASA Legislative Report

## The 2020 Session That Wasn't

The second session of the two year 129th Legislature adjourned prematurely in response to the COVID-19 pandemic. As is often the case for us, the bills on our second session priority list were mostly bills that had been carried over from the first year of the session – bills too complex to have been completed during the first session. And as is also typical, very few of them were wrapped up by mid-March. Sadly since the Legislature did not reconvene before the election in November 2020, all of the bills which we worked so hard on, and which were in limbo, are now dead. Some of the bills lost included:



**LD 44, "An Act Regarding the Maine Criminal Code,"** would have amended gross sexual assault (GSA) against a person under 12 years or under 14 years, both of which are Class A crimes, by requiring that the actor be at least 3 years older than the other person. This provision, which we supported, would have ensured that this law could not be used to adjudicate younger juveniles, particularly those who are close in age.



**LD 636, "An Act to Require Law Enforcement Officers Wear Body Cameras,"** would have, as the title suggests, required all Maine law enforcement officers to wear body cameras. Our concern was that there has been inadequate work to create statewide standards for the use of body-worn cameras. In particular, we are concerned about privacy issues related to victims and juveniles as well as about data storage. We recommended the creation of a study commission to look at these and other issues. However, thanks to Maine's Attorney General, this work is likely to move forward.



**LD 776, "An Act Regarding Post-judgment Motion by a Person Seeking To Satisfy the Prerequisites for Obtaining Special Restrictions on the Dissemination and Use of Criminal History Record Information for Certain Criminal Convictions"** and **LD 2086, "Resolve, To Create a Criminal Records Review Committee,"** both focused on the impact of criminal histories on the lives of Mainers – with regard to employment, housing, and beyond. We worked particularly hard with a broad coalition of stakeholders to create a process for making a wide range of class D and E convictions confidential after four years have passed.



**LD 1703, "An Act To Improve Consistency within the Maine Human Rights Act,"** would have clarified, among other things, that the sexual orientation provisions already in the Maine Human Rights Act extend to gender identity while acknowledging that sexual orientation and gender identity are two different aspects of an individual's identity. Unfortunately, in the latest amendment a provision was removed which we strongly supported which would have extended protections to people who are incarcerated. Currently only the disability discrimination claims related to these facilities are covered. The previous language would have expanded it to address disparate treatment based on race, age, religion, national origin, sex, color, sexual orientation, and gender identity making the protections consistent with those that apply to public accommodations.



**LD 1529, "An Act Concerning Non-Disclosure Agreements in Employment,"** would have prohibited employers from requiring agreements that prevent an employee from disclosing or discussing discrimination, including sexual assault and sexual harassment, occurring between employees or between an employer and an employee. It also would have prohibited settlement agreements, unless requested by the employee, from including a provision that prevents the disclosure of factual information relating to a claim of discrimination and harassment. Agreements could not explicitly or implicitly limit an individual's ability to provide testimony or evidence, file claims, or make reports to any federal or state agency that enforces employment or discrimination laws.

**We look forward to revisiting some of this work in the 130th Legislative Session, which should convene in January of 2021.**

