

STATE OF MAINE  
131<sup>ST</sup> 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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# *Joint Standing Committee on Judiciary*

## **SUBJECT INDEX**

### **Abortion**

#### **Enacted**

LD 1343 An Act to Protect the Reproductive Freedom of Maine People by  
Preempting the Field of Abortion Regulation PUBLIC 352

LD 1619 An Act to Improve Maine's Reproductive Privacy Laws PUBLIC 416

#### **Not Enacted**

LD 494 An Act to Conform State Funding to the Federal Hyde Amendment,  
Limiting Funding for Some Abortion Services Majority (ONTP)  
Report

LD 771 An Act to Protect a Woman's Right to Withdraw Consent for an  
Abortion Majority (ONTP)  
Report

LD 780 RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Protect Personal Reproductive Autonomy CARRIED OVER

LD 1137 An Act to Prohibit Deceptive Advertising in Limited Pregnancy  
Services Centers Leave to Withdraw  
Pursuant to Joint  
Rule 310

LD 1197 An Act to Prevent Coerced Abortion Report A (ONTP)

LD 1249 An Act to Protect the Quality of Care Provided via Telehealth by  
Prohibiting Physicians from Prescribing Abortion-inducing Drugs or  
Devices Through Telehealth or Other Electronic Communication Report A (ONTP)

LD 1614 An Act to Require an Ultrasound and Certain Counseling Before an  
Abortion Report A (ONTP)

### **Adoption**

#### **Enacted**

LD 1906 An Act to Enable Confirmatory Adoption PUBLIC 356

**Not  
Enacted**

LD 1414 An Act to Ensure Involvement of Adopted Youth in the Determination of Continuing Financial Support Under the Adoption Assistance Program ONTP

**Asset Seizure and Forfeiture**

**Enacted**

LD 962 An Act Regarding the Transfer of Seized Currency to the Federal Government for Criminal Asset Forfeiture PUBLIC 91

**Attorney General & District Attorneys**

**Not  
Enacted**

LD 186 An Act to Provide Funding for Prosecutor Positions CARRIED OVER

**Attorney Regulation**

**Enacted**

LD 264 An Act to Clarify the Process for Admission to the Bar on Motion PUBLIC 141

**Not  
Enacted**

LD 1352 An Act to Remove Barriers to Becoming a Lawyer INDEF PP

**Business & Nonprofit Organizations**

**Not  
Enacted**

LD 716 An Act to Assist Nonprofit Service Providers ONTP

LD 1043 An Act to Create an Office of Ombudsman to Help Nonprofit Organizations in Their Interactions with the Government ONTP

**Child Abuse and Child Protection**

**Enacted**

LD 773 An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings PUBLIC 151

LD 1970 An Act to Enact the Maine Indian Child Welfare Act PUBLIC 359

<b>Not Enacted</b>	LD 530	An Act to Facilitate the Installation of Safe Haven Baby Boxes at Hospitals, Law Enforcement Facilities and Fire Departments	Minority (ONTP) Report
	LD 1240	An Act to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System	Majority (ONTP) Report
	LD 1279	An Act to Strengthen Maine's Child Protection Laws by Limiting Contact with Violent Offenders	ONTP

### **Civil Actions**

<b>Enacted</b>	LD 1592	An Act to Amend the Law Governing Special Motions to Dismiss to Include Workplace and Title IX Claims	PUBLIC 322
<b>Not Enacted</b>	LD 870	An Act to Strengthen Freedom of Speech Protections by Extending Laws Against Strategic Lawsuits Against Public Participation	CARRIED OVER

### **Civil Legal Services**

<b>Not Enacted</b>	LD 564	An Act to Improve Access to Civil Legal Services	Died On Adjournment
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### **Civil Rights**

<b>Enacted</b>	LD 868	An Act to Extend the Protections of the Maine Civil Rights Act to Actions That Cause Emotional Distress or Fear of Violence	PUBLIC 287
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### **Commercial Code**

<b>Not Enacted</b>	LD 91	An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code	CARRIED OVER
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### **Common Interest Ownership**

<b>Enacted</b>	LD 649	An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping	PUBLIC 376
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**Not  
Enacted**

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| LD 657  | An Act to Amend the Percentage of Votes Needed for an Amendment of a Declaration in the Maine Condominium Act | Report A (ONTP)     |
| LD 1662 | Resolve, to Study the Adoption of the Uniform Common Interest Ownership Act                                   | Died On Adjournment |

### **Constitution**

**Enacted**

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|-------|---|-----------|
| LD 78 | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require All Provisions in the Constitution to Be Included in the Official Printing | CON RES 1 |
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**Not  
Enacted**

- |         |   |                        |
|---------|---|------------------------|
| LD 578  | RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning the Publication of Maine Indian Treaty Obligations                                     | ONTP                   |
| LD 776  | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Right to Bodily Autonomy   | ONTP                   |
| LD 780  | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Personal Reproductive Autonomy   | CARRIED OVER           |
| LD 1149 | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Strengthen the Due Process Rights of Persons Accused by Requiring Notification of Those Rights | Majority (ONTP) Report |
| LD 1536 | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Governor's Power to Reprieve, Pardon and Commute Sentences and Remit Penalties       | ONTP                   |
| LD 1629 | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Recognize the Right to Personal Privacy  | ONTP                   |
| LD 1824 | Resolve, to Establish the Commission to Study the Constitution of Maine   | Died Between Houses    |
| LD 1834 | RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish an Officer on Tribal Relations   | CARRIED OVER           |

### ***Judiciary***

## *Constitutional Rights*

**Enacted**

LD 1603 An Act to Implement the Recommendations of the Committee To Ensure Constitutionally Adequate Contact with Counsel PUBLIC 394

**Not  
Enacted**

LD 1412 RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law CARRIED OVER

LD 1503 An Act Regarding State Court Remedies for Violations of Legal or Constitutional Rights by Federal Employees Majority (ONTP) Report

LD 1953 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Parental Bill of Rights Majority (ONTP) Report

## *Courts*

**Not  
Enacted**

LD 243 An Act To Eliminate Residency Requirements for District Court Judicial Appointments ONTP

LD 476 An Act to Amend the Law Regarding Court Locations Leave to Withdraw Pursuant to Joint Rule 310

LD 506 An Act to Improve the Child and Family Court Process by Increasing the Number and Duties of Family Law Magistrates ONTP

LD 543 An Act to Reimburse Counties for Judicial Costs ONTP

LD 1192 An Act Regarding the Composition of the Judiciary ONTP

LD 1596 An Act to Facilitate the Creation of an Aroostook County Drug Treatment Court CARRIED OVER

## *Courts and Court Procedure*

### **Enacted**

LD 339	An Act to Provide Electronic Access to Confidential Juror Information	PUBLIC 35
LD 347	An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices	PUBLIC 386
LD 431	An Act to Amend the Law Regarding Foreign Subpoenas	PUBLIC 32
LD 1592	An Act to Amend the Law Governing Special Motions to Dismiss to Include Workplace and Title IX Claims	PUBLIC 322

### **Not Enacted**

LD 870	An Act to Strengthen Freedom of Speech Protections by Extending Laws Against Strategic Lawsuits Against Public Participation	CARRIED OVER
LD 888	An Act to Allow Use of Courthouse Facility Dogs by Criminal Justice Agencies for Criminal Justice Purposes	ONTP
LD 1259	An Act to Recover Legal Fees for Low-income Individuals in Actions or Proceedings	ONTP
LD 1459	An Act to Reduce Abuse of the Civil Ex Parte Attachment and Trustee Processes	Majority (ONTP) Report
LD 1468	An Act to Ensure Equal Treatment by the Law Court by Requiring 7 Justices to Decide All Cases	Report A (ONTP)
LD 1503	An Act Regarding State Court Remedies for Violations of Legal or Constitutional Rights by Federal Employees	Majority (ONTP) Report

## *Criminal Law and Procedure*

### **Enacted**

LD 576	An Act to Facilitate Communication Between Pro Se Defendants and Prosecutors While Protecting the Rights of Those Defendants	PUBLIC 340
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	LD 1461	An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes	PUBLIC 465
	LD 1512	An Act to Require the Consideration of Restitution to Support a Child Whose Parent Is Killed During the Commission of a Crime	PUBLIC 277
<b>Not Enacted</b>	LD 452	An Act to Reform the Laws Regarding the Payment of Criminal Fines	ONTP
	LD 1516	An Act to Establish Alternative Sentencing for Primary Caregivers	Died On Adjournment
	LD 1771	An Act Regarding Speedy Trials	CARRIED OVER
	LD 1782	An Act to Empower Jurors by Allowing Instructions That They May Find a Defendant Not Guilty if a Guilty Verdict Would Yield an Unjust Result	Majority (ONTP) Report
	LD 1870	An Act to Require the Payment of Child Support by an Intoxicated Driver Who Kills a Parent	ONTP
	LD 1913	An Act to Support Emerging Adults Involved in the Criminal Justice System	Leave to Withdraw Pursuant to Joint Rule 310

**Criminal Law and Procedure, Pretrial Justice and Bail**

<b>Enacted</b>	LD 118	An Act to Ensure Continuity of Care for Pretrial Defendants	PUBLIC 38
	LD 1449	An Act to Amend the Laws Regarding Violations of Condition of Release	PUBLIC 293
	LD 1613	An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine	PUBLIC 368
<b>Not Enacted</b>	LD 453	An Act to Require the Recording of Grand Jury Proceedings	Minority (ONTP) Report

LD 748	An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody	CARRIED OVER
LD 1149	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Strengthen the Due Process Rights of Persons Accused by Requiring Notification of Those Rights	Majority (ONTP) Report
LD 1299	An Act to Amend the Maine Bail Code	Majority (ONTP) Report
LD 1883	An Act to Enact the Protection of Shared Physical and Digital Property from Warrantless Searches Act	Majority (ONTP) Report

**Criminal Law and Procedure, Sentencing and Post-Trial Review**

**Not  
Enacted**

LD 363	An Act to Expand the Jurisdiction of the Sentence Review Panel of the Supreme Judicial Court	ONTP
LD 585	An Act to Allow Equitable Tolling of Post-conviction Review Filings	ONTP
LD 1535	An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute	CARRIED OVER
LD 1865	An Act Establishing the Maine Sentencing Guidelines Commission	CARRIED OVER

**Criminal Law and Procedure, Sex Offenses and Human Trafficking**

**Enacted**

LD 1362	An Act to Ensure the Rights of Survivors of Sexual Assault	PUBLIC 199
LD 1435	An Act to Reduce Commercial Sexual Exploitation	PUBLIC 316
LD 1436	An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation	PUBLIC 409

	LD 1790	An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors	PUBLIC 475
<b>Not Enacted</b>	LD 1261	An Act to Establish Mandatory Minimum Sentences for Gross Sexual Assaults and Sex Trafficking of Children	ONTP
<b><u>Criminal Records and Juvenile Records</u></b>			
<b>Enacted</b>	LD 1436	An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation	PUBLIC 409
	LD 1622	Resolve, to Reestablish the Criminal Records Review Committee	RESOLVE 103
<b>Not Enacted</b>	LD 739	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Empower the Legislature to Allow the Expungement or Sealing of Certain Criminal Records	Majority (ONTP) Report
	LD 848	An Act to Expunge Certain Nonviolent Drug Crimes	ONTP
	LD 1550	An Act to Authorize the Expungement of Records of Nonviolent Crimes	CARRIED OVER
	LD 1646	An Act to Vacate or Adjust Sentences and Expunge Arrests, Convictions and Adjudications for Cannabis-related Offenses	ONTP
	LD 1731	An Act Regarding Confidentiality of Juvenile History Record Information	ONTP
	LD 1913	An Act to Support Emerging Adults Involved in the Criminal Justice System	Leave to Withdraw Pursuant to Joint Rule 310
<b><u>Domestic Violence</u></b>			
<b>Enacted</b>	LD 538	An Act Regarding the Appointment of Expert Witnesses in Certain Family Court Actions	PUBLIC 90

LD 1461 An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes PUBLIC 465

**Evidence**

**Enacted**

LD 765 An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person PUBLIC 193

LD 1362 An Act to Ensure the Rights of Survivors of Sexual Assault PUBLIC 199

**Not  
Enacted**

LD 836 An Act to Codify Forfeiture by Wrongdoing as an Exception to the Rule Against Hearsay Leave to Withdraw Pursuant to Joint Rule 310

**Family Law**

**Enacted**

LD 136 An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code PUBLIC 63

LD 137 An Act to Amend the Maine Parentage Act Regarding Joinder of Parties PUBLIC 25

LD 443 An Act to Prohibit Marriage of Any Person Under 17 Years of Age PUBLIC 116

LD 538 An Act Regarding the Appointment of Expert Witnesses in Certain Family Court Actions PUBLIC 90

LD 1624 An Act to Clarify the Procedure for Amending the Birth Certificate of an Adult to Recognize a Parent Not Known or Listed at the Time of Birth PUBLIC 323

LD 1683 An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights PUBLIC 298

LD 1730 An Act to Implement Changes to the Laws Relating to Judicial Separation and Divorce Regarding Preliminary Injunctions as Recommended by the Family Law Advisory Commission PUBLIC 204

**Judiciary**

**Not  
Enacted**

LD 20	An Act to Further Protect Survivors of Economic Abuse	CARRIED OVER
LD 506	An Act to Improve the Child and Family Court Process by Increasing the Number and Duties of Family Law Magistrates	ONTP
LD 580	An Act to Improve Family Court Procedure	CARRIED OVER
LD 1024	Resolve, to Study the Impact of Divorce, Child Support Issues and Custody Issues on Children, Parents, Health, Poverty and Housing Insecurity	Accepted Majority (ONTP) Report
LD 1079	An Act Regarding Visitation Rights of Grandparents	ONTP

**Family Law, Child Support**

**Not  
Enacted**

LD 1637	An Act to Prohibit the Revocation of a Professional or Occupational License for Lapsed Child Support Payments	ONTP
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**Family Law, Guardians ad litem**

**Not  
Enacted**

LD 113	An Act to Provide Funding for Children's Guardians Ad Litem	CARRIED OVER
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**Free Speech**

**Not  
Enacted**

LD 1137	An Act to Prohibit Deceptive Advertising in Limited Pregnancy Services Centers	Leave to Withdraw Pursuant to Joint Rule 310
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**Freedom of Access Confidentiality**

**Enacted**

LD 23	An Act to Limit Public Access to or Dissemination of Electronic Citation and Electronic Warning Information	PUBLIC 55
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**Not  
Enacted**

LD 773	An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings	PUBLIC 151
LD 1207	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	PUBLIC 123
LD 1208	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Time Estimates for Responding to Public Records Requests	PUBLIC 155
LD 1397	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Records of Disciplinary Actions Against Public Employees	PUBLIC 159
LD 685	An Act to Codify That Freedom of Access Act and Freedom of Information Act Requests Are Not Hate Crimes	Majority (ONTP) Report
LD 1203	An Act to Clarify Deadlines in the Freedom of Access Act and Disclosure Provisions in the Intelligence and Investigative Record Information Act	Majority (ONTP) Report
LD 1649	An Act to Support Local Governments in Responding to Freedom of Access Act Requests	ONTP
LD 1699	An Act to Amend the Freedom of Access Act and Related Provisions	Majority (ONTP) Report
LD 1764	An Act Regarding the Charge for Research Time by State Agencies for Freedom of Access Act Requests	ONTP
LD 1937	An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies	CARRIED OVER

**Freedom of Access Remote Participation**

**Enacted**

LD 1322	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation	PUBLIC 158
LD 1425	An Act to Strengthen Freedom of Access Protections by Allowing Remote Meetings to Be Recorded	PUBLIC 185

## *Gender, Orientation & Identity*

**Enacted**

LD 535	An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors	PUBLIC 413
LD 707	An Act to Update the Maine Human Rights Act with Respect to Gender Identity	PUBLIC 41
LD 942	Resolve, to Establish a Plan for Adding a 3rd Option for Gender on State Forms	RESOLVE 76
LD 1507	An Act to Ensure the Accuracy of Vital Records with Respect to Gender	PUBLIC 294

**Not  
Enacted**

LD 678	An Act to Require Parental Approval for Public School Employees to Use a Name or Pronoun Other than a Child's Given Name or Pronoun Corresponding to the Gender on the Child's Birth Certificate	Report A (ONTP)
LD 930	An Act to Allow Only Students of Female Gender to Participate in Women's and Girls' Scholastic Sports	Majority (ONTP) Report
LD 1735	An Act to Safeguard Gender-affirming Health Care	CARRIED OVER

## *Human Rights*

**Enacted**

LD 1001	An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters	PUBLIC 255
LD 1423	An Act to Increase the Limits on Awards for Compensatory and Punitive Damages Under the Maine Human Rights Act	PUBLIC 263
LD 1833	An Act to Amend the Definition of "Educational Institution" Under the Maine Human Rights Act to Include Single-sex Educational Institutions	PUBLIC 188

**Not  
Enacted**

LD 279	An Act to Protect Against Discrimination by Public Entities	HELD BY GOVERNOR
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LD 960	An Act Regarding the Limits on Civil Remedies Available Under the Maine Human Rights Act	Majority (ONTP) Report
LD 967	An Act to Strengthen Protections of Persons After a Maine Human Rights Commission Investigation Finds No Reasonable Grounds Exist to Believe Unlawful Discrimination Occurred	Majority (ONTP) Report
LD 1501	An Act to Protect Maine Citizens from Discrimination by Including Vaccination Status as a Protected Class	Majority (ONTP) Report
LD 1663	An Act to Add Political Affiliation as a Protected Class to the Maine Human Rights Act	Majority (ONTP) Report

### **Indigent Legal Services**

**Enacted**

LD 565	An Act to Improve Maine's System for Protecting Sixth Amendment Rights	PUBLIC 344
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**Not Enacted**

LD 41	An Act to Increase the Hourly Reimbursement Rate of the Maine Commission on Indigent Legal Services Lawyers to \$150 per Hour	ONTP
LD 653	An Act to Support Constitutionally Required Public Defense by Creating the Maine Office of Public Defense Services	CARRIED OVER
LD 681	An Act Regarding Indigent Legal Services	ONTP
LD 1240	An Act to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System	Majority (ONTP) Report
LD 1462	An Act to Provide Financial Incentives for Attorneys to Provide Indigent Legal Services	ONTP

### **Involuntary Commitment and Treatment**

**Enacted**

LD 459	An Act to Update the Procedures for Issuance of Orders Related to Involuntary Hospitalizations	PUBLIC 66
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## Juvenile Code

**Not  
Enacted**

LD 140	An Act to Amend the Laws Governing the Right to Counsel for Juveniles and Due Process for Juveniles	Majority (ONTP) Report
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## Landlord and Tenant Issues

**Enacted**

LD 45	An Act to Prevent Retaliatory Evictions	PUBLIC 272
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LD 330	An Act Regarding Legal Representation for Residents Facing Eviction	PUBLIC 379
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LD 347	An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices	PUBLIC 386
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LD 679	An Act Regarding Animals Abandoned by Tenants	PUBLIC 336
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LD 691	An Act to Reduce Barriers to Housing by Limiting Tenant Application Fees	PUBLIC 346
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LD 701	An Act to Increase the Notice Period for Rent Increases of 10 Percent or More	PUBLIC 388
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**Not  
Enacted**

LD 557	An Act to Decrease Discrimination Based on Evictions in Housing Applications	ONTP
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LD 558	An Act Regarding Rental Housing Applications	ONTP
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LD 690	An Act to Streamline Rental Application Screenings by Allowing Potential Tenants to Use Screening Services	ONTP
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LD 804	An Act to Increase the Time Period for Notice to Terminate a Tenancy at Will	Report A (ONTP)
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LD 1490	An Act to Reduce Rental Housing Costs by Eliminating Additional Fees at or Prior to the Commencement of Tenancy	CARRIED OVER
LD 1574	An Act to Create Rent Stabilization and Amend the Laws Regarding Termination of Tenancy and Rent Increase Limitations	ONTP
LD 1904	An Act to Enact the Maine Fair Chance Housing Act	CARRIED OVER

### *Medical Rights*

**Enacted**

LD 535	An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors	PUBLIC 413
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**Not  
Enacted**

LD 1410	An Act to Hold School Employees Civilly Liable for Failure to Notify Parents Regarding Medical Issues of Students Under 18 Years of Age	Majority (ONTP) Report
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LD 1735	An Act to Safeguard Gender-affirming Health Care	CARRIED OVER
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LD 1809	An Act to Prohibit Health Care Services Without Parental Consent	Majority (ONTP) Report
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### *Minors and Juveniles*

**Enacted**

LD 1312	An Act to Limit the Immunity of Charitable Organizations	PUBLIC 351
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**Not  
Enacted**

LD 139	Resolve, Establishing the Commission to Study the Liability of Parents and Legal Guardians for Damage by Minors	Died On Adjournment
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LD 678	An Act to Require Parental Approval for Public School Employees to Use a Name or Pronoun Other than a Child's Given Name or Pronoun Corresponding to the Gender on the Child's Birth Certificate	Report A (ONTP)
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### Miscellaneous

**Enacted**

LD 609 An Act Regarding Guidelines for Free Telephone Calls by Individuals Incarcerated in Department of Corrections Facilities PUBLIC 217

**Not  
Enacted**

LD 468 An Act Regarding Regional Law Libraries Majority (ONTP) Report

LD 1647 An Act to Prohibit Discrimination Against Cannabis Establishment Owners and Employees and Cannabis Users Majority (ONTP) Report

### Name changes

**Not  
Enacted**

LD 747 An Act to Require the Probate Court to Report Name Changes to the State Bureau of Identification CARRIED OVER

### Parole, Probation, and Supervised Community Confinement

**Enacted**

LD 720 An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition PUBLIC 399

**Not  
Enacted**

LD 1536 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Governor's Power to Reprieve, Pardon and Commute Sentences and Remit Penalties ONTP

### Privacy

**Not  
Enacted**

LD 676 An Act to Protect Financial Privacy Report A (ONTP)

LD 1056 An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata CARRIED OVER

LD 1576 An Act to Update the Laws Governing Electronic Device Information as Evidence CARRIED OVER

LD 1629 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Recognize the Right to Personal Privacy ONTP

### *Judiciary*

LD 1705	An Act to Give Consumers Control over Sensitive Personal Data by Requiring Consumer Consent Prior to Collection of Data	CARRIED OVER
LD 1883	An Act to Enact the Protection of Shared Physical and Digital Property from Warrantless Searches Act	Majority (ONTP) Report
LD 1902	An Act to Protect Personal Health Data	CARRIED OVER
LD 1973	An Act to Enact the Maine Consumer Privacy Act	CARRIED OVER
LD 1977	An Act to Create the Data Privacy and Protection Act	CARRIED OVER

### **Probate Code and Probate Court**

**Enacted**

LD 136	An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code	PUBLIC 63
LD 196	An Act to Implement the Recommendations of the Probate and Trust Law Advisory Commission for Amending the Maine Uniform Probate Code and Related Provisions of Law	PUBLIC 4
LD 751	An Act to Clarify the Powers of a Conservator to Transfer Property	PUBLIC 73
LD 773	An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings	PUBLIC 151

**Not Enacted**

LD 1279	An Act to Strengthen Maine's Child Protection Laws by Limiting Contact with Violent Offenders	ONTP
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### **Protection from Abuse and Protection from Harassment**

**Enacted**

LD 1034	An Act to Require That Service of a Temporary Protection Order Be Attempted Within 48 Hours from the Issuance of the Order	PUBLIC 75
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LD 1683 An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights PUBLIC 298

**Real Property, Property Rights and Eminent Domain**

**Enacted**

LD 1968 An Act to Amend the Membership of the Somerset Woods Trustees P & S 16

**Not  
Enacted**

LD 1015 Resolve, Establishing the Commission to Study the Foreclosure Process Report A (ONTP)

**Statutes**

**Enacted**

LD 431 An Act to Amend the Law Regarding Foreign Subpoenas PUBLIC 32

LD 707 An Act to Update the Maine Human Rights Act with Respect to Gender Identity PUBLIC 41

LD 2010 An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine PUBLIC 405

**Torts and Immunity**

**Enacted**

LD 783 An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act PUBLIC 311

LD 934 An Act to Amend the Laws Governing Damages Awarded for Wrongful Death PUBLIC 390

LD 1251 An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities PUBLIC 350

LD 1312 An Act to Limit the Immunity of Charitable Organizations PUBLIC 351

	LD 1683	An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights	PUBLIC 298
<b>Not Enacted</b>	LD 139	Resolve, Establishing the Commission to Study the Liability of Parents and Legal Guardians for Damage by Minors	Died On Adjournment
	LD 1688	Resolve, to Allow Ronald Caron and Jennifer Berube to Sue the State	Report A (ONTP)
	LD 1696	An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms	CARRIED OVER

**Torts and Immunity, Medical Malpractice**

<b>Not Enacted</b>	LD 549	An Act Regarding a Discovery Rule for the Statute of Limitations for Cases of Medical Negligence	Majority (ONTP) Report
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**Torts and Immunity, Statutes of Limitation**

<b>Not Enacted</b>	LD 549	An Act Regarding a Discovery Rule for the Statute of Limitations for Cases of Medical Negligence	Majority (ONTP) Report
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**Tribal-State Relations**

<b>Enacted</b>	LD 1620	An Act to Amend the Laws Regarding the Mi'kmaq Nation and to Provide Parity to the Wabanaki Nations	PUBLIC 369
	LD 1679	An Act Regarding the Maine Indian Tribal-State Commission	PUBLIC 370
	LD 1970	An Act to Enact the Maine Indian Child Welfare Act	PUBLIC 359
<b>Not Enacted</b>	LD 336	An Act Regarding State Recognition of Native American Tribes	Majority (ONTP) Report

LD 1834 RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Establish an Officer on Tribal Relations CARRIED OVER

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 CARRIED OVER

LD 2004 An Act to Restore Access to Federal Laws Beneficial to the Wabanaki  
Nations Veto Sustained

LD 2007 An Act to Advance Self-determination for Wabanaki Nations CARRIED OVER

**Trust Code**

**Not  
Enacted**

LD 1763 An Act Regarding Trustee Duties to Beneficiaries CARRIED OVER

DIGEST OF BILLS  
131ST LEGISLATURE FIRST REGULAR AND FIRST SPECIAL SESSIONS – 2023

**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	20	An Act to Further Protect Survivors of Economic Abuse	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	23	An Act to Limit Public Access to or Dissemination of Electronic Citation and Electronic Warning Information	Reported Out	OTP- AM/ONTP		4/18/23	Enacted	PL	55		S1
JUD	41	An Act to Increase the Hourly Reimbursement Rate of the Maine Commission on Indigent Legal Services Lawyers to \$150 per Hour	Reported Out	ONTP		4/10/23	Ought Not to Pass Pursuant to Joint Rule 310			✓	S1
JUD	45	An Act to Prevent Retaliatory Evictions	Reported Out	OTP-AM		6/13/23	Enacted	PL	272		S1
JUD	78	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require All Provisions in the Constitution to Be Included in the Official Printing	Reported Out	OTP- AM/ONTP		6/12/23	Finally Passed	CONRES	1		S1
JUD	91	An Act to Adopt the National 2022 Amendments to the Uniform Commercial Code	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	113	An Act to Provide Funding for Children's Guardians Ad Litem	Reported Out	OTP- AM/ONTP	Carried On Approps Table	4/7/23					S1
JUD	118	An Act to Ensure Continuity of Care for Pretrial Defendants	Reported Out	OTP-AM		4/7/23	Enacted	PL	38		S1
JUD	136	An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code	Reported Out	OTP- AM/ONTP		4/21/23	Enacted	PL	63		S1
JUD	137	An Act to Amend the Maine Parentage Act Regarding Joinder of Parties	Reported Out	OTP/ONTP		3/9/23	Enacted	PL	25		S1
JUD	139	Resolve, Establishing the Commission to Study the Liability of Parents and Legal Guardians for Damage by Minors	Reported Out	OTP- AM/OTP/O TP-AM		6/21/23	Died On Adjournment				S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	140	An Act to Amend the Laws Governing the Right to Counsel for Juveniles and Due Process for Juveniles	Reported Out	ONTP/OTP-AM		4/18/23	Accepted Majority (ONTP) Report				S1
JUD	186	An Act to Provide Funding for Prosecutor Positions	Reported Out	OTP-AM	Carried On Approps Table	5/11/23					S1
JUD	196	An Act to Implement the Recommendations of the Probate and Trust Law Advisory Commission for Amending the Maine Uniform Probate Code and Related Provisions of Law	Reported Out	OTP-AM		3/1/23	Emergency Enacted	PL	4		R1
JUD	243	An Act To Eliminate Residency Requirements for District Court Judicial Appointments	Reported Out	ONTP		3/17/23	Ought Not to Pass Pursuant to Joint Rule 310				R1
JUD	264	An Act to Clarify the Process for Admission to the Bar on Motion	Reported Out	OTP-AM		5/17/23	Enacted	PL	141		S1
JUD	279	An Act to Protect Against Discrimination by Public Entities	Reported Out	OTP-AM/ONTP		6/12/23	Held by Governor			✓	S1
JUD	330	An Act Regarding Legal Representation for Residents Facing Eviction	Reported Out	OTP-AM/ONTP		6/15/23	Enacted	PL	379		S1
JUD	336	An Act Regarding State Recognition of Native American Tribes	Reported Out	ONTP/OTP-AM		6/21/23	Accepted Majority (ONTP) Report				S1
JUD	339	An Act to Provide Electronic Access to Confidential Juror Information	Reported Out	OTP/ONTP		4/7/23	Emergency Enacted	PL	35		S1
JUD	347	An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices	Reported Out	OTP-AM		6/20/23	Enacted	PL	386		S1
JUD	363	An Act to Expand the Jurisdiction of the Sentence Review Panel of the Supreme Judicial Court	Reported Out	ONTP		3/31/23	Ought Not to Pass Pursuant to Joint Rule 310				S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	431	An Act to Amend the Law Regarding Foreign Subpoenas	Reported Out	OTP		3/24/23	Enacted	PL	32		S1
JUD	443	An Act to Prohibit Marriage of Any Person Under 17 Years of Age	Reported Out	OTP- AM/OTP/O NTP		4/28/23	Enacted	PL	116		S1
JUD	452	An Act to Reform the Laws Regarding the Payment of Criminal Fines	Reported Out	ONTP		3/13/23	Ought Not to Pass Pursuant to Joint Rule 310				R1
JUD	453	An Act to Require the Recording of Grand Jury Proceedings	Reported Out	OTP- AM/ONTP		4/18/23	Accepted Minority (ONTP) Report				S1
JUD	459	An Act to Update the Procedures for Issuance of Orders Related to Involuntary Hospitalizations	Reported Out	OTP- AM/ONTP		4/21/23	Enacted	PL	66		S1
JUD	468	An Act Regarding Regional Law Libraries	Reported Out	ONTP/OTP- AM		5/22/23	Accepted Majority (ONTP) Report				S1
JUD	476	An Act to Amend the Law Regarding Court Locations	Reported Out	LTW		2/14/23	Leave to Withdraw Pursuant to Joint Rule 310				R1
JUD	494	An Act to Conform State Funding to the Federal Hyde Amendment, Limiting Funding for Some Abortion Services	Reported Out	ONTP/OTP- AM		6/1/23	Accepted Majority (ONTP) Report				S1
JUD	506	An Act to Improve the Child and Family Court Process by Increasing the Number and Duties of Family Law Magistrates	Reported Out	ONTP		3/24/23	Ought Not to Pass Pursuant to Joint Rule 310				R1

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Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	530	An Act to Facilitate the Installation of Safe Haven Baby Boxes at Hospitals, Law Enforcement Facilities and Fire Departments	Reported Out	OTP- AM/ONTP		6/13/23	Accepted Minority (ONTP) Report				S1
JUD	535	An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors	Reported Out	OTP- AM/ONTP/ OTP- AM/OTP- AM		6/20/23	Enacted	PL	413		S1
JUD	538	An Act Regarding the Appointment of Expert Witnesses in Certain Family Court Actions	Reported Out	OTP- AM/ONTP		4/28/23	Enacted	PL	90		S1
JUD	543	An Act to Reimburse Counties for Judicial Costs	Reported Out	ONTP		3/17/23	Ought Not to Pass Pursuant to Joint Rule 310				R1
JUD	549	An Act Regarding a Discovery Rule for the Statute of Limitations for Cases of Medical Negligence	Reported Out	ONTP/OTP- AM		6/20/23	Accepted Majority (ONTP) Report				S1
JUD	557	An Act to Decrease Discrimination Based on Evictions in Housing Applications	Reported Out	ONTP		4/10/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	558	An Act Regarding Rental Housing Applications	Reported Out	ONTP		4/10/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	564	An Act to Improve Access to Civil Legal Services	Reported Out	OTP- AM/ONTP		4/18/23	Died On Adjournment			✓	S1
JUD	565	An Act to Improve Maine's System for Protecting Sixth Amendment Rights	Reported Out	OTP- AM/ONTP		6/20/23	Enacted	PL	344		S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	576	An Act to Facilitate Communication Between Pro Se Defendants and Prosecutors While Protecting the Rights of Those Defendants	Reported Out	OTP- AM/ONTP		6/15/23	Emergency Enacted	PL	340		S1
JUD	578	RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning the Publication of Maine Indian Treaty Obligations	Reported Out	ONTP		3/9/23	Ought Not to Pass Pursuant to Joint Rule 310				R1
JUD	580	An Act to Improve Family Court Procedure	Reported Out	OTP- AM/OTP- AM/ONTP	Carried On Approps Table	5/10/23					S1
JUD	585	An Act to Allow Equitable Tolling of Post-conviction Review Filings	Reported Out	ONTP		5/22/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	609	An Act Regarding Guidelines for Free Telephone Calls by Individuals Incarcerated in Department of Corrections Facilities	Reported Out	OTP- AM/ONTP		5/22/23	Enacted	PL	217		S1
JUD	649	An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping	Reported Out	OTP- AM/OTP- AM/ONTP		6/13/23	Enacted	PL	376		S1
JUD	653	An Act to Support Constitutionally Required Public Defense by Creating the Maine Office of Public Defense Services	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	657	An Act to Amend the Percentage of Votes Needed for an Amendment of a Declaration in the Maine Condominium Act	Reported Out	ONTP/OTP- AM/OTP		6/13/23	Accepted Report A (ONTP)				S1
JUD	676	An Act to Protect Financial Privacy	Reported Out	ONTP/OTP- AM/OTP- AM		4/21/23	Accepted Report A (ONTP)				S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	678	An Act to Require Parental Approval for Public School Employees to Use a Name or Pronoun Other than a Child's Given Name or Pronoun Corresponding to the Gender on the Child's Birth Certificate	Reported Out	ONTP/OTP-AM/OTP-AM/OTP-AM		6/21/23	Accepted Report A (ONTP)				S1
JUD	679	An Act Regarding Animals Abandoned by Tenants	Reported Out	OTP-AM		6/13/23	Enacted	PL	336		S1
JUD	681	An Act Regarding Indigent Legal Services	Reported Out	ONTP		4/10/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	685	An Act to Codify That Freedom of Access Act and Freedom of Information Act Requests Are Not Hate Crimes	Reported Out	ONTP/OTP		4/18/23	Accepted Majority (ONTP) Report				S1
JUD	690	An Act to Streamline Rental Application Screenings by Allowing Potential Tenants to Use Screening Services	Reported Out	ONTP		4/10/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	691	An Act to Reduce Barriers to Housing by Limiting Tenant Application Fees	Reported Out	OTP-AM/ONTP		6/20/23	Enacted	PL	346		S1
JUD	701	An Act to Increase the Notice Period for Rent Increases of 10 Percent or More	Reported Out	OTP-AM/ONTP		6/15/23	Enacted	PL	388		S1
JUD	707	An Act to Update the Maine Human Rights Act with Respect to Gender Identity	Reported Out	OTP/ONTP		4/7/23	Enacted	PL	41		S1
JUD	716	An Act to Assist Nonprofit Service Providers	Reported Out	ONTP		3/28/23	Ought Not to Pass Pursuant to Joint Rule 310				S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	720	An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition	Reported Out	OTP- AM/ONTP		6/20/23	Enacted	PL	399		S1
JUD	739	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Empower the Legislature to Allow the Expungement or Sealing of Certain Criminal Records	Reported Out	ONTP/OTP- AM		6/20/23	Accepted Majority (ONTP) Report				S1
JUD	747	An Act to Require the Probate Court to Report Name Changes to the State Bureau of Identification	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	748	An Act to Strengthen the Due Process Rights of Persons in Law Enforcement Custody	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	751	An Act to Clarify the Powers of a Conservator to Transfer Property	Reported Out	OTP- AM/ONTP		4/21/23	Enacted	PL	73		S1
JUD	765	An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person	Reported Out	OTP- AM/OTP- AM/OTP- AM/ONTP		5/22/23	Enacted	PL	193		S1
JUD	771	An Act to Protect a Woman's Right to Withdraw Consent for an Abortion	Reported Out	ONTP/OTP- AM		6/7/23	Accepted Majority (ONTP) Report				S1
JUD	773	An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings	Reported Out	OTP-AM		5/17/23	Enacted	PL	151		S1
JUD	776	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish the Right to Bodily Autonomy	Reported Out	ONTP		6/15/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	780	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Personal Reproductive Autonomy	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	783	An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act	Reported Out	OTP- AM/ONTP		6/20/23	Enacted	PL	311		S1

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								Law	Ch		
JUD	804	An Act to Increase the Time Period for Notice to Terminate a Tenancy at Will	Reported Out	ONTP/OTP- AM/OTP- AM		6/15/23	Accepted Report A (ONTP)				S1
JUD	836	An Act to Codify Forfeiture by Wrongdoing as an Exception to the Rule Against Hearsay	Reported Out	LTW		3/9/23	Leave to Withdraw Pursuant to Joint Rule 310				R1
JUD	848	An Act to Expunge Certain Nonviolent Drug Crimes	Reported Out	ONTP		5/22/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	868	An Act to Extend the Protections of the Maine Civil Rights Act to Actions That Cause Emotional Distress or Fear of Violence	Reported Out	OTP- AM/ONTP		6/12/23	Enacted	PL	287		S1
JUD	870	An Act to Strengthen Freedom of Speech Protections by Extending Laws Against Strategic Lawsuits Against Public Participation	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	888	An Act to Allow Use of Courthouse Facility Dogs by Criminal Justice Agencies for Criminal Justice Purposes	Reported Out	ONTP		4/20/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	930	An Act to Allow Only Students of Female Gender to Participate in Women's and Girls' Scholastic Sports	Reported Out	ONTP/OTP- AM		6/20/23	Accepted Majority (ONTP) Report				S1
JUD	934	An Act to Amend the Laws Governing Damages Awarded for Wrongful Death	Reported Out	OTP- AM/ONTP/ OTP- AM/OTP- AM/OTP- AM		6/20/23	Enacted	PL	390		S1

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							Law	Ch			
JUD	942	Resolve, to Establish a Plan for Adding a 3rd Option for Gender on State Forms	Reported Out	OTP- AM/ONTP		5/22/23	Finally Passed	RESLV	76		S1
JUD	960	An Act Regarding the Limits on Civil Remedies Available Under the Maine Human Rights Act	Reported Out	ONTP/OTP		4/18/23	Accepted Majority (ONTP) Report				S1
JUD	962	An Act Regarding the Transfer of Seized Currency to the Federal Government for Criminal Asset Forfeiture	Reported Out	OTP- AM/ONTP		4/28/23	Enacted	PL	91		S1
JUD	967	An Act to Strengthen Protections of Persons After a Maine Human Rights Commission Investigation Finds No Reasonable Grounds Exist to Believe Unlawful Discrimination Occurred	Reported Out	ONTP/OTP- AM		5/9/23	Accepted Majority (ONTP) Report				S1
JUD	1001	An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters	Reported Out	OTP- AM/ONTP		5/22/23	Enacted	PL	255		S1
JUD	1015	Resolve, Establishing the Commission to Study the Foreclosure Process	Reported Out	ONTP/OTP- AM/OTP- AM		6/13/23	Accepted Report A (ONTP)				S1
JUD	1024	Resolve, to Study the Impact of Divorce, Child Support Issues and Custody Issues on Children, Parents, Health, Poverty and Housing Insecurity	Reported Out	ONTP/OTP- AM		5/17/23	Accepted Majority (ONTP) Report				S1
JUD	1034	An Act to Require That Service of a Temporary Protection Order Be Attempted Within 48 Hours from the Issuance of the Order	Reported Out	OTP-AM		4/26/23	Enacted	PL	75		S1
JUD	1043	An Act to Create an Office of Ombudsman to Help Nonprofit Organizations in Their Interactions with the Government	Reported Out	ONTP		3/28/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1056	An Act Restricting State Assistance in Federal Collection of Personal Electronic Data and Metadata	Carry Over Approved+A 1		Carried in Comm	9/25/23					S1

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Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	1079	An Act Regarding Visitation Rights of Grandparents	Reported Out	ONTP		4/20/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1137	An Act to Prohibit Deceptive Advertising in Limited Pregnancy Services Centers	Reported Out	LTW		4/28/23	Leave to Withdraw Pursuant to Joint Rule 310				S1
JUD	1149	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Strengthen the Due Process Rights of Persons Accused by Requiring Notification of Those Rights	Reported Out	ONTP/OTP- AM		6/12/23	Accepted Majority (ONTP) Report				S1
JUD	1192	An Act Regarding the Composition of the Judiciary	Reported Out	ONTP		4/20/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1197	An Act to Prevent Coerced Abortion	Reported Out	ONTP/OTP- AM/OTP- AM		6/12/23	Accepted Report A (ONTP)				S1
JUD	1203	An Act to Clarify Deadlines in the Freedom of Access Act and Disclosure Provisions in the Intelligence and Investigative Record Information Act	Reported Out	ONTP/OTP- AM		5/9/23	Accepted Majority (ONTP) Report				S1
JUD	1207	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	Reported Out	OTP/ONTP		5/9/23	Enacted	PL	123		S1
JUD	1208	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Time Estimates for Responding to Public Records Requests	Reported Out	OTP- AM/ONTP		5/17/23	Enacted	PL	155		S1

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								Law	Ch		
JUD	1240	An Act to Develop a Pilot Program to Provide Legal Representation to Families in the Child Protection System	Reported Out	ONTP/OTP- AM		5/17/23	Accepted Majority (ONTP) Report				S1
JUD	1249	An Act to Protect the Quality of Care Provided via Telehealth by Prohibiting Physicians from Prescribing Abortion-inducing Drugs or Devices Through Telehealth or Other Electronic Communication	Reported Out	ONTP/OTP- AM/OTP- AM/OTP- AM		6/7/23	Accepted Report A (ONTP)				S1
JUD	1251	An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities	Reported Out	OTP- AM/ONTP		6/16/23	Enacted	PL	350		S1
JUD	1259	An Act to Recover Legal Fees for Low-income Individuals in Actions or Proceedings	Reported Out	ONTP		5/4/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1261	An Act to Establish Mandatory Minimum Sentences for Gross Sexual Assaults and Sex Trafficking of Children	Reported Out	ONTP		4/24/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1279	An Act to Strengthen Maine's Child Protection Laws by Limiting Contact with Violent Offenders	Reported Out	ONTP		4/24/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1299	An Act to Amend the Maine Bail Code	Reported Out	ONTP/OTP- AM		6/13/23	Accepted Majority (ONTP) Report				S1
JUD	1312	An Act to Limit the Immunity of Charitable Organizations	Reported Out	OTP- AM/ONTP		6/20/23	Enacted	PL	351		S1
JUD	1322	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation	Reported Out	OTP-AM		5/23/23	Enacted	PL	158		S1

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								Law	Ch		
JUD	1343	An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation	Reported Out	OTP- AM/ONTP		6/1/23	Enacted	PL	352		S1
JUD	1352	An Act to Remove Barriers to Becoming a Lawyer	Reported Out	OTP- AM/ONTP		6/22/23	Indefinitely Postponed				S1
JUD	1362	An Act to Ensure the Rights of Survivors of Sexual Assault	Reported Out	OTP- AM/OTP- AM		5/26/23	Enacted	PL	199		S1
JUD	1397	An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Records of Disciplinary Actions Against Public Employees	Reported Out	OTP- AM/ONTP		5/17/23	Enacted	PL	159		S1
JUD	1410	An Act to Hold School Employees Civilly Liable for Failure to Notify Parents Regarding Medical Issues of Students Under 18 Years of Age	Reported Out	ONTP/OTP- AM		6/12/23	Accepted Majority (ONTP) Report				S1
JUD	1412	RESOLUTION, Proposing an Amendment to the Constitution of Maine Establishing That All Maine Residents Have Equal Rights Under the Law	Reported Out	OTP- AM/ONTP	Carried On Approps Table	6/15/23					S1
JUD	1414	An Act to Ensure Involvement of Adopted Youth in the Determination of Continuing Financial Support Under the Adoption Assistance Program	Reported Out	ONTP		5/4/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1423	An Act to Increase the Limits on Awards for Compensatory and Punitive Damages Under the Maine Human Rights Act	Reported Out	OTP/ONTP		5/18/23	Enacted	PL	263		S1
JUD	1425	An Act to Strengthen Freedom of Access Protections by Allowing Remote Meetings to Be Recorded	Reported Out	OTP-AM		5/26/23	Enacted	PL	185		S1
JUD	1435	An Act to Reduce Commercial Sexual Exploitation	Reported Out	OTP- AM/ONTP		5/22/23	Enacted	PL	316		S1
JUD	1436	An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation	Reported Out	OTP- AM/ONTP		6/21/23	Enacted	PL	409		S1
JUD	1449	An Act to Amend the Laws Regarding Violations of Condition of Release	Reported Out	OTP- AM/ONTP		6/13/23	Enacted	PL	293		S1

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								Law	Ch		
JUD	1459	An Act to Reduce Abuse of the Civil Ex Parte Attachment and Trustee Processes	Reported Out	ONTP/OTP		6/20/23	Accepted Majority (ONTP) Report				S1
JUD	1461	An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes	Reported Out	OTP- AM/ONTP		6/12/23	Enacted	PL	465		S1
JUD	1462	An Act to Provide Financial Incentives for Attorneys to Provide Indigent Legal Services	Reported Out	ONTP		4/20/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1468	An Act to Ensure Equal Treatment by the Law Court by Requiring 7 Justices to Decide All Cases	Reported Out	ONTP/OTP- AM/OTP- AM		6/1/23	Accepted Report A (ONTP)				S1
JUD	1490	An Act to Reduce Rental Housing Costs by Eliminating Additional Fees at or Prior to the Commencement of Tenancy	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1501	An Act to Protect Maine Citizens from Discrimination by Including Vaccination Status as a Protected Class	Reported Out	ONTP/OTP- AM		5/26/23	Accepted Majority (ONTP) Report				S1
JUD	1503	An Act Regarding State Court Remedies for Violations of Legal or Constitutional Rights by Federal Employees	Reported Out	ONTP/OTP- AM		6/20/23	Accepted Majority (ONTP) Report				S1
JUD	1507	An Act to Ensure the Accuracy of Vital Records with Respect to Gender	Reported Out	OTP- AM/ONTP		6/15/23	Enacted	PL	294		S1
JUD	1512	An Act to Require the Consideration of Restitution to Support a Child Whose Parent Is Killed During the Commission of a Crime	Reported Out	OTP- AM/ONTP		6/12/23	Enacted	PL	277		S1
JUD	1516	An Act to Establish Alternative Sentencing for Primary Caregivers					Died On Adjournment				S1

DIGEST OF BILLS  
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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	1535	An Act to Advance Justice in Sentencing by Amending the Laws Governing the Maine Criminal Justice Sentencing Institute	Reported Out	OTP- AM/ONTP	Carried On Approps Table	6/20/23					S1
JUD	1536	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Amend the Governor's Power to Reprieve, Pardon and Commute Sentences and Remit Penalties	Reported Out	ONTP		5/22/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1550	An Act to Authorize the Expungement of Records of Nonviolent Crimes	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1574	An Act to Create Rent Stabilization and Amend the Laws Regarding Termination of Tenancy and Rent Increase Limitations	Reported Out	ONTP		5/30/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1576	An Act to Update the Laws Governing Electronic Device Information as Evidence	Carry Over Approved		Carried in Comm	9/25/23					S1
JUD	1592	An Act to Amend the Law Governing Special Motions to Dismiss to Include Workplace and Title IX Claims	Reported Out	OTP/ONTP		6/15/23	Enacted	PL	322		S1
JUD	1596	An Act to Facilitate the Creation of an Aroostook County Drug Treatment Court	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1603	An Act to Implement the Recommendations of the Committee To Ensure Constitutionally Adequate Contact with Counsel	Reported Out	OTP- AM/ONTP		6/20/23	Enacted	PL	394		S1
JUD	1613	An Act to Prohibit Profiling and to Strengthen Civil Rights in Maine	Reported Out	OTP- AM/ONTP		6/21/23	Enacted	PL	368		S1
JUD	1614	An Act to Require an Ultrasound and Certain Counseling Before an Abortion	Reported Out	ONTP/OTP- AM/OTP- AM		6/13/23	Accepted Report A (ONTP)				S1
JUD	1619	An Act to Improve Maine's Reproductive Privacy Laws	Reported Out	OTP- AM/ONTP		6/22/23	Enacted	PL	416		S1
JUD	1620	An Act to Amend the Laws Regarding the Mi'kmaq Nation and to Provide Parity to the Wabanaki Nations	Reported Out	OTP- AM/ONTP		6/21/23	Enacted	PL	369		S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action	Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
							Law	Ch		
JUD	1622	Resolve, to Reestablish the Criminal Records Review Committee	Reported Out		6/13/23	Finally Passed	RESLV	103		S1
JUD	1624	An Act to Clarify the Procedure for Amending the Birth Certificate of an Adult to Recognize a Parent Not Known or Listed at the Time of Birth	Reported Out		6/15/23	Enacted	PL	323		S1
JUD	1629	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Recognize the Right to Personal Privacy	Reported Out		5/31/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1637	An Act to Prohibit the Revocation of a Professional or Occupational License for Lapsed Child Support Payments	Reported Out		5/22/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1646	An Act to Vacate or Adjust Sentences and Expunge Arrests, Convictions and Adjudications for Cannabis-related Offenses	Reported Out		5/22/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1647	An Act to Prohibit Discrimination Against Cannabis Establishment Owners and Employees and Cannabis Users	Reported Out		6/15/23	Accepted Majority (ONTP) Report				S1
JUD	1649	An Act to Support Local Governments in Responding to Freedom of Access Act Requests	Reported Out		5/10/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1662	Resolve, to Study the Adoption of the Uniform Common Interest Ownership Act	Reported Out		6/13/23	Died On Adjournment				S1
JUD	1663	An Act to Add Political Affiliation as a Protected Class to the Maine Human Rights Act	Reported Out		6/1/23	Accepted Majority (ONTP) Report				S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	1679	An Act Regarding the Maine Indian Tribal-State Commission	Reported Out	OTP- AM/OTP- AM/ONTP		6/21/23	Enacted	PL	370		S1
JUD	1683	An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights	Reported Out	OTP- AM/ONTP		6/1/23	Enacted	PL	298		S1
JUD	1688	Resolve, to Allow Ronald Caron and Jennifer Berube to Sue the State	Reported Out	ONTP/OTP- AM/OTP- AM		6/21/23	Accepted Report A (ONTP)				S1
JUD	1696	An Act to Create a Civil Cause of Action for Persons Suffering Damages Arising from the Sale of Abnormally Dangerous Firearms	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1699	An Act to Amend the Freedom of Access Act and Related Provisions	Reported Out	ONTP/OTP- AM		6/15/23	Accepted Majority (ONTP) Report				S1
JUD	1705	An Act to Give Consumers Control over Sensitive Personal Data by Requiring Consumer Consent Prior to Collection of Data	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1730	An Act to Implement Changes to the Laws Relating to Judicial Separation and Divorce Regarding Preliminary Injunctions as Recommended by the Family Law Advisory Commission	Reported Out	OTP-AM		6/1/23	Enacted	PL	204		S1
JUD	1731	An Act Regarding Confidentiality of Juvenile History Record Information	Reported Out	ONTP		5/30/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1735	An Act to Safeguard Gender-affirming Health Care	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1763	An Act Regarding Trustee Duties to Beneficiaries	Carry Over Approved		Carried in Comm	7/25/23					S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	1764	An Act Regarding the Charge for Research Time by State Agencies for Freedom of Access Act Requests	Reported Out	ONTP		5/22/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1771	An Act Regarding Speedy Trials	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1782	An Act to Empower Jurors by Allowing Instructions That They May Find a Defendant Not Guilty if a Guilty Verdict Would Yield an Unjust Result	Reported Out	ONTP/OTP		6/15/23	Accepted Majority (ONTP) Report				S1
JUD	1790	An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors	Reported Out	OTP-AM		6/15/23	Enacted	PL	475		S1
JUD	1809	An Act to Prohibit Health Care Services Without Parental Consent	Reported Out	ONTP/OTP- AM		6/1/23	Accepted Majority (ONTP) Report				S1
JUD	1824	Resolve, to Establish the Commission to Study the Constitution of Maine	Reported Out	ONTP/OTP- AM		6/14/23	Died Between Houses				S1
JUD	1833	An Act to Amend the Definition of "Educational Institution" Under the Maine Human Rights Act to Include Single-sex Educational Institutions	Reported Out	OTP/ONTP		5/26/23	Enacted	PL	188		S1
JUD	1834	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish an Officer on Tribal Relations	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1835	An Act to Require the State to Notify Indian Tribes and Indian Nations When New Laws Are Enacted That Need to Be Certified	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1865	An Act Establishing the Maine Sentencing Guidelines Commission	Carry Over Approved		Carried in Comm	7/25/23					S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action		Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws		Analyst Note?	Session
								Law	Ch		
JUD	1870	An Act to Require the Payment of Child Support by an Intoxicated Driver Who Kills a Parent	Reported Out	ONTP		5/22/23	Ought Not to Pass Pursuant to Joint Rule 310				S1
JUD	1883	An Act to Enact the Protection of Shared Physical and Digital Property from Warrantless Searches Act	Reported Out	ONTP/OTP		6/15/23	Accepted Majority (ONTP) Report				S1
JUD	1902	An Act to Protect Personal Health Data	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1904	An Act to Enact the Maine Fair Chance Housing Act	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1906	An Act to Enable Confirmatory Adoption	Reported Out	OTP- AM/ONTP		6/20/23	Enacted	PL	356		S1
JUD	1913	An Act to Support Emerging Adults Involved in the Criminal Justice System	Reported Out	LTW		5/15/23	Leave to Withdraw Pursuant to Joint Rule 310				S1
JUD	1937	An Act to Remove the Confidentiality of the Transportation of Hazardous Materials by Railroad Companies	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1953	RESOLUTION, Proposing an Amendment to the Constitution of Maine to Establish a Parental Bill of Rights	Reported Out	ONTP/OTP- AM		6/20/23	Accepted Majority (ONTP) Report				S1
JUD	1968	An Act to Amend the Membership of the Somerset Woods Trustees	Reported Out	OTP		6/15/23	Enacted	P&S	16		S1
JUD	1970	An Act to Enact the Maine Indian Child Welfare Act	Reported Out	OTP-AM		6/21/23	Emergency Enacted	PL	359		S1
JUD	1973	An Act to Enact the Maine Consumer Privacy Act	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	1977	An Act to Create the Data Privacy and Protection Act	Carry Over Approved		Carried in Comm	7/25/23					S1

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**Joint Standing Committee on Judiciary**

Comm	LD	Title	Comm Action	Carried over?	Date of last Comm Action	Final Disposition	Enacted Laws Law	Ch	Analyst Note?	Session	
JUD	2004	An Act to Restore Access to Federal Laws Beneficial to the Wabanaki Nations	Reported Out	OTP-AM/ONTP		6/20/23	Veto Sustained				S1
JUD	2007	An Act to Advance Self-determination for Wabanaki Nations	Carry Over Approved		Carried in Comm	7/25/23					S1
JUD	2010	An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine	Reported Out	OTP-AM		7/5/23	Emergency Enacted	PL	405		S1

## JOINT STANDING COMMITTEE ON JUDICIARY

### **LD 23 An Act to Limit Public Access to or Dissemination of Electronic Citation and Electronic Warning Information**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 55 provides that personally identifying information, including an individual's name, residential and mailing addresses, date of birth, driver's license number and vehicle registration number, located within the electronic citation or electronic warning databases maintained, administered or contributed to by the Department of Public Safety, Bureau of State Police, is confidential. This confidentiality provision does not prevent a law enforcement officer from sharing personally identifying information in these databases with another criminal justice agency, serving the Violation Summons and Complaint on the person charged with having committed the traffic infraction or transmitting the electronic Violation Summons and Complaint to the violations bureau of the District Court. Moreover, public access to violations bureau court records, including personally identifying information contained in a Violation Summons and Complaint, is governed by the Maine Rules of Civil Procedure, Rule 80F.

### **LD 45 An Act to Prevent Retaliatory Evictions**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 272 creates two additional bases under which there is a presumption of retaliation in an action of forcible entry and detainer when, within six months prior to the commencement of the action, a tenant asserts certain rights: first, when the tenant has asserted the tenant's rights pursuant to the law requiring notice of a rent increase; and second, when the tenant has asserted the tenant's rights under the law prohibiting a rent increase for a dwelling unit that is in violation of the warranty of habitability.

### **LD 78 RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require All Provisions in the Constitution to Be Included in the Official Printing**

#### **ENACTED LAW SUMMARY**

Constitutional Resolution 2023, chapter 1 proposes to amend the Constitution of Maine to require that all of the provisions of the Constitution, including the text of Article X, Sections 1, 2 and 5, be included in any printed copies of the Constitution prefixed to the laws of the State.

Constitutional Resolution 2023, chapter 1 as finally passed by the Legislature is contingent upon the approval of the voters at a statewide election to be held November 7, 2023.

## JOINT STANDING COMMITTEE ON JUDICIARY

### **LD 118 An Act to Ensure Continuity of Care for Pretrial Defendants**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 38 authorizes the State Forensic Service to disclose prior court-ordered evaluation reports pertaining to the pending criminal charges of pretrial defendants to institutions for the care and treatment of people with mental illness or residential programs that provide care and treatment for persons who have intellectual disabilities or autism into which the Commissioner of Health and Human Services is considering placing a defendant when the court commits the defendant to the commissioner for observation in such an institution or program.

### **LD 136 An Act to Clarify Court Jurisdiction of Actions Involving Children Brought Under the Maine Uniform Probate Code**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 63 clarifies the respective jurisdictions of the District Court and the probate courts of the State over actions concerning minors brought under Title 18-C, the Maine Uniform Probate Code. It adds proceedings pursuant to the Maine Juvenile Code brought against a minor child to the list of pending District Court actions involving a minor child that will give the District Court exclusive, continuing jurisdiction over Title 18-C actions involving that child and it removes actions for protection from abuse and harassment from that list. It also provides that the District Court has exclusive, continuing jurisdiction over current and future Title 18-C actions involving the child if the child has been the subject of an order terminating parental rights, appointing a guardian including a permanency, emergency or interim guardian, awarding parental rights to a third party or granting an adoption.

Public Law 2023, chapter 63 also establishes an exception to the grant of exclusive, continuing jurisdiction to the District Court if the action that would otherwise provide the grounds for the District Court's jurisdiction is initiated when the action is under advisement with the Probate Court after a testimonial hearing unless the Probate Court determines that the District Court is the more appropriate forum for the action.

Finally, Public Law 2023, chapter 63 amends the provision of law governing the legal effect of an order entered in a child protection proceeding, including a preliminary protection order, to clarify that such an order generally takes precedence over any other order regarding the child's care or custody, even if the other order was entered after the preliminary protection order. It also clarifies that this general rule does not limit the authority of the District Court to determine parentage during the pendency of a child protection proceeding, to consolidate a child protection proceeding with another matter or to resolve a child protection proceeding through the entry of a parental rights and responsibilities order, a guardianship order or an adoption order.

## JOINT STANDING COMMITTEE ON JUDICIARY

### **LD 137 An Act to Amend the Maine Parentage Act Regarding Joinder of Parties**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 25 amends the Maine Parentage Act in two ways. First, it clarifies within Title 19-A, section 1836 that a child is not required to be joined as a party in a proceeding to determine that child's parentage. Second, it amends Title 19-A, section 1844, which provides that, if a court in proceeding to dissolve a marriage acts under the jurisdictional requirements of Maine law and the final order identifies a child as a "child of the marriage" or "issue of the marriage" or by similar words indicates that the parties are the parents of the child, the court is deemed to have made an adjudication of that child's parentage and that adjudication is binding on the parties to the proceeding. Public Law 2023, chapter 25 clarifies that section 1844 applies not only to divorce proceedings but also to proceedings to annul a marriage or for legal separation. It also expands the scope of section 1844 to apply to proceedings to determine parental rights and responsibilities with respect to a child's unmarried parents.

### **LD 196 An Act to Implement the Recommendations of the Probate and Trust Law Advisory Commission for Amending the Maine Uniform Probate Code and Related Provisions of Law**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 4 amends the Maine Uniform Probate Code and related provisions of law in the following ways.

1. Under current law, if a judge of probate or register of probate has an interest in an estate, the estate must be transferred to and settled in the probate court in an adjoining county. Public Law 2023, chapter 4 provides that, if there are fewer than four counties adjoining the county of the probate court in which the conflict of interest arises, the estate must be transferred to any one of the four county probate courts that are nearest to the probate court of the transferring county.
2. It provides that, when a petition for an elective share indicating that the decedent owned real estate has been filed, the register of probate must record in the registry of deeds an abstract of the petition for an elective share and not the entire petition.
3. It requires the register of probate to notify the decedent's devisees and heirs, within 30 days after the filing of an application for the appointment of a personal representative, of the right of a surviving spouse to demand an elective share and the time limit for making such an election and of the rights of a surviving spouse and children to the homestead allowance, to exempt property and to the family allowance.
4. It provides that the homestead allowance, exempt property and family allowance have priority over all claims against an estate except for reasonable funeral expenses and administrative expenses; that a testator may expressly provide that the benefit or share passing to a surviving spouse or children through a will is intended to be made in lieu of the homestead allowance,

#### ENACTED LAW SUMMARIES

## JOINT STANDING COMMITTEE ON JUDICIARY

exempt property or family allowance; and that the personal representative has the duty to promptly pay the homestead allowance, exempt property and family allowance from available assets, without requiring any demand by the surviving spouse or children.

5. It further delays, until April 1, 2025, the effective date of the statutes governing the confidentiality of records in proceedings for guardianships of adults, conservatorships and other protective arrangements and directs the Supreme Judicial Court to submit a report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by January 1, 2025 summarizing the court's progress toward adopting rules governing the confidentiality of records in probate court proceedings and identifying any potential conflicts between the adopted or proposed rules and any provisions of the Maine Uniform Probate Code.

Public Law 2023, chapter 4 was enacted as an emergency measure effective March 13, 2023.

### **LD 264 An Act to Clarify the Process for Admission to the Bar on Motion**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 141 clarifies that an attorney who is admitted to practice law in a state or territory of the United States or the District of Columbia who meets the requirements for admission set forth in the Maine Bar Admission Rules and who applies for admission to the bar on motion must be admitted to practice within one year of the date the board of bar examiners receives the application for admission on motion.

### **LD 330 An Act Regarding Legal Representation for Residents Facing Eviction**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 379 requires that a landlord, upon delivery to a tenant of a notice to terminate tenancy, include with that notice a copy of the "form notice" that is required upon service of the summons and complaint in an action of forcible entry and detainer. The law also requires a judge, on each day that judge presides over actions of forcible entry and detainer, prior to the commencement of proceedings for actions of forcible entry and detainer, to announce the availability of legal representation to all tenants who appear on that day in an action of forcible entry and detainer if the judge has been advised of the availability of an attorney to represent tenants in actions of forcible entry and detainer on that day.

### **LD 339 An Act to Provide Electronic Access to Confidential Juror Information**

#### **ENACTED LAW SUMMARY**

Under current law, a state court has discretion to make the names of prospective jurors and the contents of juror qualification forms available at the courthouse to the attorneys in a case as well

## JOINT STANDING COMMITTEE ON JUDICIARY

as their agents or investigators and also to pro se parties. Public Law 2023, chapter 35 newly authorizes state courts to provide this information to such persons electronically, upon request.

Public Law 2023, chapter 35 was enacted as an emergency measure effective April 24, 2023.

### **LD 347 An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 386 allows a sheriff, deputy or constable who provided service in connection with an eviction to attend the court hearing in an action of forcible entry and detainer remotely, if that person is required to testify to the service of the notice. The law also allows the notice delivered by a sheriff, deputy or constable to be admissible in evidence for the purpose of proving service occurred.

### **LD 431 An Act to Amend the Law Regarding Foreign Subpoenas**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 32 corrects errors in terminology in a provision of the Uniform Interstate Depositions and Discovery Act governing the issuance of a subpoena by a clerk of a court in this State upon a person to which a foreign subpoena is directed.

### **LD 443 An Act to Prohibit Marriage of Any Person Under 17 Years of Age**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 116 amends the law to categorically prohibit the issuance of a marriage license to any person who is under 17 years of age. It retains the provisions of law authorizing the issuance of a marriage license to a person who is 17 years old with the written consent of the person's parents or guardians or the consent of the judge of probate in the county where the person resides.

### **LD 459 An Act to Update the Procedures for Issuance of Orders Related to Involuntary Hospitalizations**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 66 authorizes the electronic transmission through secure means of an application for emergency involuntary commitment and a court order granting an application for

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emergency involuntary commitment. It also authorizes a Justice of the Superior Court, Judge of the District Court, Judge of Probate or justice of the peace to endorse the application electronically.

### **LD 535 An Act Regarding Consent for Gender-affirming Hormone Therapy for Certain Minors**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 413 establishes a process by which a minor who is mentally and physically competent to give consent may consent to gender-affirming hormone therapy and follow-up care if the minor is at least 16 years of age, has been diagnosed with gender dysphoria, is experiencing or expected to experience harm from not receiving gender-affirming hormone therapy, receives certain detailed information and counseling from a health care professional prior to providing informed written consent and has discussed the gender dysphoria diagnosis with the minor's parent or guardian but that parent or guardian refuses to support treatment of the gender dysphoria. Only a person qualified by training and experience to provide and monitor the provision of gender-affirming hormone therapy, who is authorized by law to prescribe medication and who is licensed by the Board of Licensure in Medicine, the Board of Osteopathic Licensure or the State Board of Nursing may provide gender-affirming hormone therapy to the minor after obtaining the minor's informed written consent.

Public Law 2023, chapter 413 does not restrict the authority of a parent or guardian to consent to gender-affirming hormone therapy for a minor in accordance with established standards of care.

### **LD 538 An Act Regarding the Appointment of Expert Witnesses in Certain Family Court Actions**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 90 provides that, if a court appoints an expert other than a guardian ad litem to provide recommendations regarding the award of parental rights and responsibilities or conditions of parent-child contact in cases involving allegations of domestic abuse between the parents, that expert must be a licensed clinical social worker, psychologist or psychiatrist who has training and expertise in how domestic abuse tactics affect adult and child safety, the effects of domestic abuse on children, best practices for recognizing and assessing the effects of domestic abuse on the parent-child relationship and methods for reducing post-separation abuse and promoting child safety and security.

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### **LD 565 An Act to Improve Maine’s System for Protecting Sixth Amendment Rights**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 344 amends the laws governing the Maine Commission on Indigent Legal Services in the following ways.

1. It provides that, other than the rates of compensation for assigned counsel and contract counsel, which are major substantive rules, the standards for the delivery of indigent legal services developed by the commission are routine technical rules.
2. It provides that the commission has the authority to employ public defenders, that public defenders are subject to the commission’s routine technical rules establishing standards for the delivery of indigent legal services and requires the commission to include in its annual report to the Legislature an evaluation of the services provided by these public defenders.
3. It requires the commission to review its routine technical rules establishing standards for the evaluation of assigned counsel, contract counsel and public defenders at least every five years or earlier upon the recommendation of the executive director of the commission.
4. It provides that the laws governing the confidentiality of commission records do not prevent the executive director from reporting potential professional misconduct under the Maine Rules of Professional Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.
5. It requires county jails and regional jails to submit to the commission a copy of the twice monthly reports on the pretrial detention population those jails are required by current law to send to the Unified Criminal Docket in the judicial region in which the jail is located.

### **LD 576 An Act to Facilitate Communication Between Pro Se Defendants and Prosecutors While Protecting the Rights of Those Defendants**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 340 provides that a prosecutor generally may not communicate with an unrepresented defendant concerning the facts, circumstances, merits or disposition of a pending criminal charge unless the communication either is initiated by the defendant or takes place during a dispositional conference as long as the defendant has first been advised by the court of the defendant’s right to counsel, right to remain silent and right to a trial by jury and the defendant has been informed by the court of the substance of the charges and the maximum possible sentence and any mandatory minimum sentence associated with those charges.

Notwithstanding this general rule, under Public Law 2023, chapter 340 a prosecutor may communicate with an unrepresented defendant at any time for the following purposes.

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1. To offer the defendant the opportunity to participate in a diversion program or explain steps the defendant can take that would result in the prosecutor not prosecuting the charge or charges against the defendant or that would result in the prosecutor recommending a dismissal or filing of the charge or charges.
2. To notify the defendant that a pending criminal matter is being dismissed.
3. To notify the defendant in writing of a plea offer.
4. To request the defendant's position on a motion to continue or a motion to correct a typographical error in a document filed with the court.

Public Law 2023, chapter 340 was enacted as an emergency measure effective June 28, 2023.

### **LD 609 An Act Regarding Guidelines for Free Telephone Calls by Individuals Incarcerated in Department of Corrections Facilities**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 217 requires the chief administrative officer of each of the Department of Corrections' detention facilities and correctional facilities to draft, publish and implement guidelines governing that facility's implementation of the provision of current law requiring the Department of Corrections to provide a resident of a facility who has less than \$10 in the resident's facility account a free telephone call allowance for 30 minutes of telephone calls to the resident's relatives and friends per week and a free telephone call allowance for 30 minutes of telephone calls that are protected by the attorney-client privilege per week.

### **LD 649 An Act to Promote Water Conservation and Water Quality and Create Habitat for Wildlife, Including Pollinator Species, by Protecting Low-impact Landscaping**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 376 establishes limitations on restrictions on low-impact landscaping that apply to condominiums or other real estate subject to common ownership.

### **LD 679 An Act Regarding Animals Abandoned by Tenants**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 336 provides that a landlord may require a tenant to provide information about any animal present in a rental unit and request contact information of a person the tenant authorizes to enter the property to retrieve or care for the animal in the event the tenant abandons the animal or is unable to care for the animal as a result of death or disability. The law also allows

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the landlord to require permission, as a condition of tenancy, to enter the rental unit in an emergency in order to determine whether the animal is in need of care and establishes a process through which the landlord may remove an animal in the event the animal has been abandoned or the tenant is unable to care for the animal due to death or disability.

### **LD 691 An Act to Reduce Barriers to Housing by Limiting Tenant Application Fees**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 346 prohibits a landlord, except in certain circumstances, from requiring an applicant to pay a fee in order to submit an application to enter into an agreement to rent a residential dwelling unit or to review or approve an application to enter into an agreement to rent a residential dwelling unit. The law allows the landlord to require an applicant to pay a fee for the actual cost of a background check, credit check or other screening process only once in a 12-month period. The law also requires the landlord to provide the applicant with a complete copy of the information from the background check, credit check or other screening process used to evaluate the applicant's eligibility for tenancy.

### **LD 701 An Act to Increase the Notice Period for Rent Increases of 10 Percent or More**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 388 requires, with the exception of residential real estate restricted under or participating in certain housing assistance programs, that a landlord provide at least 75 days' written notice to a tenant for a rent increase that is 10% or greater over a 12-month period.

### **LD 707 An Act to Update the Maine Human Rights Act with Respect to Gender Identity**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 41 updates the definition of "sexual orientation" in the Maine Human Rights Act by removing the reference to "gender identity or expression." The term "gender identity" was given a separate definition by Public Law 2019, chapter 464.

### **LD 720 An Act to Expand Eligibility for Supervised Community Confinement for Prisoners with a Prognosis Likely to Result in an Incapacitating Medical Condition**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 399 expands the ability of the Department of Corrections to transfer a prisoner from a correctional facility to the supervised community confinement program, when the prisoner does not otherwise meet the eligibility criteria of the supervised community confinement

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program, to include circumstances when the prisoner has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition. The law also amends the department's data tracking responsibilities to require the department to publish on its publicly accessible website certain data in a manner that does not violate confidentiality requirements.

### **LD 751 An Act to Clarify the Powers of a Conservator to Transfer Property**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 73 authorizes a conservator to convey or release an interest in or sign or revoke a transfer on death deed for the primary dwelling of the individual subject to the conservatorship, with court approval.

### **LD 765 An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 193 establishes an exception to the hearsay rule for the recording of a forensic interview of a minor or of an adult who is eligible for adult protective services, referred to in the law as a "protected person." The party requesting that all or a portion of a recording of a forensic interview of a protected person be admitted into evidence must file a motion in limine. The court must allow all parties to be heard on the issue of whether the recording meets the requirements for the statutory exception to the hearsay rule, including that statements made by the protected person during the forensic interview may not have been made in response to suggestive or leading questions, that neither a relative of the protected person nor an attorney for any party was present in the room during the interview and that the recording meets all of the other requirements for admissibility under the Maine Rules of Evidence. In a criminal matter, the party offering the recording into evidence must call the protected person as a witness immediately following the playing of the recording and the witness must be available for cross-examination, unless all other parties to the case expressly waive this requirement. Statements from more than one forensic interview of the same protected person that relate to the same event or incident do not fall within the hearsay exception.

Public Law 2023, chapter 193 also clarifies who has access to recordings of forensic interviews and other records of child advocacy centers, which are confidential and not public records for purposes of the Freedom of Access Act.

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### **LD 773 An Act to Ensure Access by Parties and Attorneys to Records in Child and Adult Protection Proceedings**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 151 requires the Department of Health and Human Services to disclose information in the records in child protection proceedings to the parties in those proceedings and the parties' attorneys, with protection for identity of reporters and other persons when appropriate. To facilitate the initial communication between attorneys assigned to represent parents and custodians in child protection proceedings and their clients, it also requires the department to include in a child protection petition the phone number and e-mail address, if known, of each parent and custodian unless the parent and custodian has taken steps to keep that parent's and custodian's phone number or e-mail address private from another parent and custodian in the proceeding or if disclosure of this information to another parent and custodian in the proceeding would create a safety risk.

In addition, under Public Law 2023, chapter 151, the department has discretion to disclose information in its adult protective records to the caretaker, guardian or conservator of an adult who is the subject of the record but is required to disclose such information to the adult who is the subject of the record and to the adult's attorney, with protection for identity of reporters and other persons when appropriate. The law also makes a conforming amendment to the Maine Uniform Probate Code requiring the disclosure of information in adult protective records to the adult who is the subject of the record and the adult's attorney in any case in which a public guardian or conservator has been or may be appointed.

### **LD 783 An Act to Protect Certain Private Emergency Services Personnel from Liability Under the Maine Tort Claims Act**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 311 adds "mutual aid emergency response personnel" to the definition of "employee" under the Maine Tort Claims Act and also creates a definition of "mutual aid emergency response employer" under the Maine Tort Claims Act. The law provides that mutual aid emergency response personnel employed by the Bath Iron Works Corporation or its successor are considered employees for the purposes of the Maine Tort Claims Act, and also provides protection for the Bath Iron Works Corporation or its successor under the Maine Tort Claims Act, only when the personnel are acting pursuant to a mutual aid agreement with a state or municipal entity or in response to a request for aid from a state or municipal entity.

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### **LD 868 An Act to Extend the Protections of the Maine Civil Rights Act to Actions That Cause Emotional Distress or Fear of Violence**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 287 amends the Maine Civil Rights Act to prohibit a person from intentionally interfering or attempting to intentionally interfere with another person's exercise or enjoyment of that person's civil rights by engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to themselves or to a close relation when that conduct is motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or gender identity.

### **LD 934 An Act to Amend the Laws Governing Damages Awarded for Wrongful Death**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 390 increases the limit on damages for the loss of comfort, society and companionship and emotional distress in a case of wrongful death from \$750,000 to \$1,000,000 and provides for that amount to be adjusted based on inflation calculated in relation to the consumer price index. It also increases the limit on punitive damages from \$250,000 to \$500,000. The law increases from two years to three years the time after the decedent's death within which a wrongful death action may be commenced.

### **LD 942 Resolve, to Establish a Plan for Adding a 3rd Option for Gender on State Forms**

#### **ENACTED LAW SUMMARY**

Resolve 2023, chapter 76 directs the Department of Administrative and Financial Services to coordinate with all executive branch and quasi-independent entities to compile a list of all printed and electronic forms, applications and other documents used by these entities that require a person to designate that person's gender and estimate the time and cost required to include within those forms, applications and other documents an option to designate "X" for gender. It also directs the State Court Administrator and the Executive Director of the Legislative Council to compile the same information for the judicial branch and the legislative branch, respectively, and to submit this information to the department. The department shall report this information to the Joint Standing Committee on Judiciary by January 1, 2024 along with the department's recommendations, if any, for expediting the process by which all of these printed and electronic forms, applications and other documents that require a gender designation are revised to include an option to designate "X" for gender. The committee may report out legislation related to the report to the Second Regular Session of the 131st Legislature.

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### **LD 962 An Act Regarding the Transfer of Seized Currency to the Federal Government for Criminal Asset Forfeiture**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 91 eliminates the requirement that seized currency exceed a certain amount before a state governmental agency, county or municipality may enter into an agreement to transfer or refer the seized currency to a federal agency and replaces it with a requirement that seized currency only be transferred or referred to a federal agency in conjunction with a federal criminal case.

### **LD 1001 An Act to Amend the Maine Human Rights Act Regarding Right-to-sue Letters**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 255 requires the Maine Human Rights Commission to issue a right-to-sue letter to a complainant if the complainant submits a written request for a right-to-sue letter more than 180 days after the filing of a complaint and authorizes the commission to issue a right-to-sue letter if the complainant submits a written request less than 180 days after the filing of a complaint and the executive director of the commission determines both that the complainant has demonstrated good cause for submitting an early request and that it is probable that the commission will not be able to complete its investigation within 180 days of the filing of the complaint. The commission must end its investigation whenever the commission issues a right-to-sue letter to a complainant unless the executive director of the commission and legal counsel to the commission determine that proceeding with the investigation would achieve the purposes of the Maine Human Rights Act. If this determination is made, the commission must continue to investigate the complaint as if it had originally been filed by an employee of the commission.

### **LD 1034 An Act to Require That Service of a Temporary Protection Order Be Attempted Within 48 Hours from the Issuance of the Order**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 75 requires every law enforcement agency to adopt a written policy requiring that service of every temporary, emergency or interim protection from abuse order be attempted within 48 hours after the agency receives notice of that order from the court. Failure of the law enforcement agency to comply with the policy does not affect the validity of the service or the order.

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### **LD 1207 An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 123 implements the following statutory changes recommended by the Right To Know Advisory Committee after reviewing certain existing public records exceptions in Titles 23, 24 and 24-A.

1. It clarifies that patient names contained in utilization review data reports filed by nonprofit hospitals and medical service organizations with the Superintendent of Insurance must be kept confidential.
2. It makes grammatical corrections to the confidentiality provisions of the Maine Health Security Act related to professional competence reports.
3. It removes the word “strictly” from the section of the Maine Health Security Act requiring confidentiality for all data or information that identifies or permits identification of the insured or insureds or the incident or occurrences for which a claim was made contained in records of the Superintendent of Insurance retained for the purpose of evaluation of policy provisions, rate structures, the arbitration process and for recommendations of further legislation.
4. It removes unnecessary language from the statute governing the confidentiality of information within records maintained by Dirigo Health.

### **LD 1208 An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Time Estimates for Responding to Public Records Requests**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 155 implements several recommendations of the Right To Know Advisory Committee to amend provisions in the Freedom of Access Act concerning time and cost estimates for responding to public records requests including the following.

1. It clarifies that, within a reasonable time of receiving a public records request, an agency or official must specify the estimated time frame within which an agency or official will comply with that request.
2. It increases from \$30 to \$50 the estimate cost threshold at which an agency or official must provide the requester with an estimate of the total cost before proceeding with a request for public records.

Public Law 2023, chapter 155 also clarifies that an agency or official may charge a fee to the person who requests a public record for the actual cost of a device used to store the public record, if the public record will be given to the requester on that storage device.

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### **LD 1251 An Act to Clarify Immunity from Liability for Municipalities Engaged in Recycling Activities**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 350 provides expanded immunity under the Maine Tort Claims Act for a municipality performing recycling activities only if the municipality has adopted and regularly enforces a written policy, developed by a credentialed industrial hygienist and in compliance with federal law, establishing reasonable safety standards applicable to the premises where the municipality performs recycling activities.

### **LD 1312 An Act to Limit the Immunity of Charitable Organizations**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 351 amends the State's immunity provisions related to charitable organizations to provide that charitable immunity is not a defense or a means to limit damages for sexual assault of a minor or sexual exploitation of a minor. This law applies to any civil action or proceeding that is pending as of the effective date of the law, any tortious conduct that occurred prior to the effective date of the law and any civil action or proceeding that occurs on or after the effective date of the law.

### **LD 1322 An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 158 implements the recommendations of the Right To Know Advisory Committee by making the following changes to the law authorizing a public body to adopt a written policy governing the conditions upon which members of the public body and the public may participate in public proceedings using remote methods.

1. It adds additional language to reinforce the authority of a public body to allow not only the members of the public body but also members of the public to participate in a public proceeding by remote methods.
2. It prohibits a public body under the jurisdiction of the county commissioners of a county, municipal officers of a municipality or officers of a regional or other political subdivision that have adopted a remote participation policy from adopting its own remote participation policy unless the county commissioners, municipal officers or other officers of the regional or other political subdivision specifically authorize it to do so.

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3. It clarifies that, regardless of the remote participation policies adopted by other public bodies, a school board has the authority to choose to adopt or to choose not to adopt its own remote participation policy.

### **LD 1343 An Act to Protect the Reproductive Freedom of Maine People by Preempting the Field of Abortion Regulation**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 352 prohibits a county, municipality or other political subdivision of the State from adopting any order, ordinance, rule or regulation concerning the regulation of a person's decision to terminate a pregnancy or concerning the provision of abortion.

### **LD 1362 An Act to Ensure the Rights of Survivors of Sexual Assault**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 199 provides that a sexual assault survivor has the right to consult with a sexual assault counselor during a sexual assault forensic examination and to have a sexual assault counselor present during any interview by a law enforcement officer, prosecutor, defense attorney or professional investigator about the reported sexual assault.

Public Law 2023, chapter 199 also provides that evidence gathered during a sexual assault forensic examination may not be used to prosecute the sexual assault survivor for a Class D or Class E drug offense, any crime of operating under the influence, any crime of violating a condition of release, any crime of engaging in prostitution, any violation of the State's liquor laws or any juvenile crime based on a violation of the foregoing laws. The evidence gathered during a sexual assault forensic examination also may not be used as the basis of a motion to revoke any conditional release of the survivor or as a basis to search for further evidence that a sexual assault survivor committed any of these crimes or offenses.

### **LD 1397 An Act to Implement the Recommendations of the Right To Know Advisory Committee Concerning Records of Disciplinary Actions Against Public Employees**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 159 amends the statutes governing state and county employee personnel records to require that a final written decision imposing discipline on a state or county employee must state the conduct or other facts on the basis of which disciplinary action is being imposed and the conclusions of the state or county employer as to the reasons for that action. As the Right to Know Advisory Committee observed in its Seventeenth Annual Report, similar language is already included in the statute governing municipal employee personnel records.

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### **LD 1423 An Act to Increase the Limits on Awards for Compensatory and Punitive Damages Under the Maine Human Rights Act**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 263 increases the maximum total amount of compensatory and punitive damages, other than for back pay, that may be awarded in cases of intentional employment discrimination under the Maine Human Rights Act.

### **LD 1425 An Act to Strengthen Freedom of Access Protections by Allowing Remote Meetings to Be Recorded**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 185 requires that, when members of the public may attend a public proceeding remotely, the public body must allow remote recording of the meeting by members of the public using the same electronic platform that is used to conduct the meeting as long as the platform allows participants other than the host to record the proceeding remotely, additional costs are not incurred by the public body and the recording does not interfere with the orderly conduct of the proceeding.

### **LD 1435 An Act to Reduce Commercial Sexual Exploitation**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 316 amends the Maine Criminal Code in the following ways and makes corresponding technical changes.

1. It eliminates the crime of engaging in prostitution.
2. It renames the crime of patronizing prostitution of a minor or a person with a mental disability to commercial sexual exploitation of a minor or a person with a mental disability; renames the crime of solicitation of a child to engage in prostitution to solicitation of a child for commercial sexual exploitation; and renames the crime of engaging a prostitute to engaging a person for prostitution.
3. It changes from a Class D crime to a Class C crime the crime of solicitation of a child for commercial sexual exploitation.
4. It establishes a defense to prosecution for conspiracy to commit the crime of engaging a person for prostitution if the defendant's participation was engaging or agreeing to personally engage in a sexual act with a patron.

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5. It establishes a defense to prosecution for sex trafficking if the defendant's actions consisted of publicly soliciting a patron to engage in prostitution only with the defendant.
6. It adds commercial sexual exploitation to the list of circumstances in a child's family background that would qualify the child as a special needs child under the adoption assistance program.

### **LD 1436 An Act to Provide Remedies for Survivors of Commercial Sexual Exploitation**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 409 establishes a process for the sealing of a person's criminal history record for the former crime of engaging in prostitution in the State if the person can demonstrate at a hearing, by a preponderance of the evidence, that at least one year has passed since the person completed the sentence or sentencing alternatives for that offense and the person has not been convicted of certain sex trafficking and related offenses in any jurisdiction.

### **LD 1449 An Act to Amend the Laws Regarding Violations of Condition of Release**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 293 removes the provisions under the offense of violation of condition of release that increase the offense from a Class E crime to a Class C crime when the underlying crime is punishable by a maximum period of imprisonment of one year or more and the condition of release violated is a requirement to enter into and remain in a long-term residential facility for the treatment of substance use disorder or a requirement to return to custody for specified hours following release for employment, schooling or other limited purposes.

### **LD 1461 An Act to Prevent Dating Partner Abuse by Including Dating Partners in the Scope of Domestic Violence Crimes**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 465 amends provisions of the Maine Criminal Code defining domestic violence offenses to include situations in which the victim and the perpetrator are "dating partners" as that term is defined in the protection from abuse laws. It also amends several provisions of the Maine Criminal Code that currently apply when the victim is a family or household member of the defendant to apply when the victim is a dating partner of the defendant, including provisions authorizing warrantless arrests, establishing sentencing factors and setting maximum terms of probation for certain offenses and a provision requiring victim notification when a defendant is released on pre-conviction bail.

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### **LD 1507 An Act to Ensure the Accuracy of Vital Records with Respect to Gender**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 294 provides that a person married in this State may apply to the State Registrar of Vital Statistics for a new marriage certificate reflecting the person's change of gender and the person's new first and middle names, if any. If a new marriage certificate is issued, it may not be marked "amended" and all copies of the original marriage certificate must be sealed from inspection.

Public Law 2023, chapter 294 also provides that a death certificate for an individual must reflect the desired gender identity of the individual who has died if the person signing the certificate is aware of that desire either through a valid living will, advance health care directive or other record, including a record prepared by someone other than the individual. Additionally, a health care provider may amend a certificate of death with respect to the gender of the individual who has died.

### **LD 1512 An Act to Require the Consideration of Restitution to Support a Child Whose Parent Is Killed During the Commission of a Crime**

#### **ENACTED LAW SUMMARY**

In a criminal case in which restitution is not imposed on a defendant convicted of an offense that resulted in the death of a victim who is the parent of a minor, Public Law 2023, chapter 277 requires the court to specifically address the economic hardship to the minor and the reasons for not imposing restitution to compensate the minor for that loss. It also changes the laws governing restitution to simplify the factors a court must consider when deciding whether to award restitution to the dependents, including any minor children, of a victim who was killed as a result of a crime.

### **LD 1592 An Act to Amend the Law Governing Special Motions to Dismiss to Include Workplace and Title IX Claims**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 322 amends the definition of "a party's exercise of its right of petition" in the law governing special motions to dismiss by including statements made in connection with complaints under the Maine Human Rights Act, the laws governing sexual violence, intimate partner violence and stalking policies at institutions of higher education and the so-called Title IX provisions of the federal Education Amendments of 1972.

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### **LD 1603 An Act to Implement the Recommendations of the Committee To Ensure Constitutionally Adequate Contact with Counsel**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 394 makes the following statutory changes based on recommendations from the Committee To Ensure Constitutionally Adequate Contact with Counsel, which was established by Resolve 2021, chapter 182.

1. It requires that all state, county and municipal law enforcement agencies and district attorneys and the Attorney General adopt policies and procedures by January 1, 2024 to protect and ensure the confidentiality of attorney-client communications and processes to be followed in the event that there is a breach of attorney-client confidentiality. It also requires the Commissioner of Corrections to establish by January 1, 2024 mandatory standards for all county jails, holding facilities, short-term detention areas and correctional facilities protecting and ensuring the confidentiality of attorney-client communications and processes to be followed in the event that there is a breach of attorney-client confidentiality.
2. It directs the Attorney General to develop a training program by January 1, 2024 for state, county and municipal law enforcement officers who, as part of a criminal investigation, inadvertently hear confidential attorney-client communications.
3. It adds an attorney who represents defendants in criminal cases to the membership of the board of trustees of the Maine Criminal Justice Academy and directs the board to include in the curriculum of the basic law enforcement training program and the basic corrections training a block of instruction on the confidentiality of attorney-client communications.
4. It directs the Maine Commission on Indigent Legal Services to develop and maintain a registry of names, telephone numbers and other contact information for attorneys who provide legal services to persons who are incarcerated and to share this information with the Department of Corrections and each county sheriff's office weekly. The attorneys' names, telephone numbers and other contact information are confidential and do not constitute public records under the Freedom of Access Act.
5. It directs the Commissioner of Corrections to establish by January 1, 2024, standards for all county jails, holding facilities, short-term detention areas and correctional facilities requiring each facility to maintain a registry of the names, telephone numbers and other contact information of attorneys who provide legal services to persons who reside in the facility. The attorneys' names, telephone numbers and other contact information are confidential and do not constitute public records under the Freedom of Access Act except that each facility must proactively and by request of the attorney or the attorney's client confirm the registration of the attorney's name, telephone number and other contact information.
6. It provides that, if an oral or wire communication between a person residing in an adult jail or in an adult or juvenile correctional facility and the person's attorney is intercepted and the defendant can show that the jail or correctional facility had, at the time the communication was

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made, actual or constructive notice of the attorney's name and, if the communication involved the use of a telephone, the attorney's telephone number and the communication was made directly to or from that telephone number:

- A. The contents of and the existence of the communication are not admissible in a criminal proceeding, including a post-conviction review proceeding;
  - B. A person who viewed or listened to the communication and did not immediately discontinue doing so as soon as the person had sufficient information to determine that the communication was protected, is disqualified from participating in an investigation of the resident and from appearing as a witness in a criminal proceeding in which the resident is a defendant, including a post-conviction review proceeding; and
  - C. A person who viewed or listened to the intercepted communication and saw or heard information that may be relevant to a pending or anticipated charge against the resident or a defense the resident may assert, or that may lead to the discovery of that evidence, is disqualified from participating in an investigation of the resident or appearing as a witness in the pending or anticipated criminal proceeding in which the resident is a defendant, including a subsequent post-conviction review proceeding on the pending or anticipated criminal proceeding.
7. It directs the Commissioner of Corrections to establish standards for all county jails, holding facilities, short-term detention areas and correctional facilities requiring each facility, by January 1, 2024, to designate space within the facility for attorney-client meetings and the exchange of case materials.
  8. It directs the State Court Administrator to submit a report by January 1, 2024 to the Joint Standing Committee on Criminal Justice and Public Safety and the Joint Standing Committee on Judiciary on the availability of space in public areas and in secure holding areas of each courthouse for confidential attorney-client communications, including the review of materials related to criminal cases.
  9. It directs the County Corrections Professional Standards Council to convene meetings of state, county and municipal law enforcement agencies, county and municipal jails, the judicial branch, the department, the Maine Sheriffs' Association, the Office of the Attorney General, the Maine Prosecutors Association, the Maine Association of Criminal Defense Lawyers and the Maine Commission on Indigent Legal Services to develop a consistent set of policies and procedures to be implemented by all law enforcement agencies, district attorneys' offices, jails, holding facilities, short-term detention areas and correctional facilities regarding the processes for protecting and ensuring the confidentiality of attorney-client communications, the policies to be followed in the event that there is a breach of attorney-client confidentiality and the methods by which attorneys and persons who are residents of jails and correctional facilities will be made aware of confidential channels for their communications.

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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

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measures if a tribal ordinance or the absence of a tribal ordinance is causing or there is a reasonable likelihood that it will cause a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of Mi'kmaq Nation Jurisdiction Land.

5. It recognizes the exclusive authority of the Mi'kmaq Nation in Mi'kmaq Nation Jurisdiction Land, similar to the authority of the Passamaquoddy Tribe in Passamaquoddy Indian territory, to enact ordinances regulating drinking water unless the nation exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Mi'kmaq Nation Jurisdiction Land and recognizes the authority of the Mi'kmaq Nation to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Mi'kmaq Nation Jurisdiction Land.
6. It recognizes the authority of the Mi'kmaq Nation to establish a tribal court that may exercise jurisdiction analogous to the jurisdiction of the Passamaquoddy Tribal Court and the Penobscot Nation Tribal Court under current law.
  - A. The Mi'kmaq Tribal Court may exercise exclusive jurisdiction over criminal offenses committed by a member of any federally recognized Indian tribe, nation, band or other group within Mi'kmaq Nation Jurisdiction Land if the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000, unless the offense is committed against a victim who is not a member of a federally recognized Indian tribe, nation or band; juvenile crimes that, if committed by an adult, would be within the exclusive jurisdiction of the Mi'kmaq Tribal Court as well as specific drug and alcohol juvenile crimes committed within Mi'kmaq Nation Jurisdiction Land by a member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians; small claims actions between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians arising within Mi'kmaq Nation Jurisdiction Land and certain civil drug possession offenses committed by members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians within Mi'kmaq Nation Jurisdiction Land; Indian child custody proceedings to the extent authorized by state or federal law; other domestic relations matters between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians, both of whom reside within Mi'kmaq Nation Jurisdiction Land; and the enforcement of drinking water ordinances adopted by the Mi'kmaq Nation for Mi'kmaq Nation Jurisdiction Land, except that the nation may not exert jurisdiction over a nonprofit public municipal corporation.
  - B. The Mi'kmaq Tribal Court and the State may exercise concurrent jurisdiction over certain Class D domestic violence crimes committed within Mi'kmaq Nation Jurisdiction Land by or against a member of a federally recognized Indian tribe, nation, band or other group if the maximum potential term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000.

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- C. The laws of the State govern the definitions of the criminal offenses and juvenile crimes that may be prosecuted in Mi'kmaq Tribal Court and the applicable punishments for those offenses. In addition, the Mi'kmaq Tribal Court must afford specific minimum due process rights required under federal law to criminal and juvenile defendants.
7. It requires the State to give full faith and credit to the judicial proceedings of the Mi'kmaq Nation and the Mi'kmaq Nation to give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians and the State.
  8. It recognizes the Mi'kmaq Nation's authority to appoint law enforcement officers with exclusive authority to enforce the criminal, juvenile, civil and domestic relations laws within Mi'kmaq Nation Jurisdiction Land over which the Mi'kmaq Tribal Court has exclusive jurisdiction. The Mi'kmaq Nation's law enforcement officers and state and county law enforcement officers have concurrent authority to enforce all other laws of the State within Mi'kmaq Nation Jurisdiction Land.
  9. It provides that the Mi'kmaq Nation is eligible to apply for any federally funded discretionary state grants or loans to the same extent and subject to the same eligibility requirements as municipalities in the State. Residents of Mi'kmaq Nation Trust Land are also entitled to receive any state grant, loan, unemployment compensation, medical or welfare benefit or other social service to the same extent and subject to the same eligibility requirements as other persons in the State, except that the amount of state funding received by a person must be reduced by the amount of any federal funding received by that person for substantially the same purpose and substantially the same period of time.

Part A further directs the Revisor of Statutes to replace the words "Aroostook Band of Micmacs" with the words "Mi'kmaq Nation" when updating, publishing or republishing the Maine Revised Statutes. Because it represents a jurisdictional agreement between the State and the Mi'kmaq Nation authorized by Section 6(d) of the federal Aroostook Band of Micmacs Settlement Act, Pub. L. No. 102-171, Part A does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Mi'kmaq Nation certifies to the Secretary of State that the Mi'kmaq Nation agrees to the provisions of Part A.

Part B of Public Law 2023, chapter 369 amends certain provisions of An Act to Implement the Maine Indian Claims Settlement, referred to in this summary as the Maine Implementing Act, governing the jurisdictional relationship between the State and the Passamaquoddy Tribe as follows.

1. It provides that the exclusive jurisdiction of the Passamaquoddy Tribal Court over certain criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within the Passamaquoddy Indian reservation under current law extends to those same types of criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within all of Passamaquoddy Indian territory. It also provides that the exclusive jurisdiction of the Passamaquoddy Tribal Court over domestic relations matters between members of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians, both

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of whom reside on the Passamaquoddy Indian reservation, extends to the same types of domestic relations matters arising between members of any of the Wabanaki Nations, both of whom reside within Passamaquoddy Indian territory.

2. It clarifies within the Maine Implementing Act that the State must give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe and that the Passamaquoddy Tribe must give full faith and credit to the judicial proceedings of the Penobscot Nation, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Because it represents a jurisdictional agreement between the State and the Passamaquoddy Tribe authorized by Section 6(e)(1) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part B does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Joint Tribal Council of the Passamaquoddy Tribe certifies to the Secretary of State that the Passamaquoddy Tribe agrees to the provisions of Part B.

Part C of Public Law 2023, chapter 369 amends certain provisions of the Maine Implementing Act governing the jurisdictional relationship between the State and the Penobscot Nation as follows.

1. It recognizes the exclusive authority of the Penobscot Nation in Penobscot Indian territory, similar to the authority of the Passamaquoddy Tribe in Passamaquoddy Indian territory, to enact ordinances regulating drinking water unless the nation exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory and recognizes the authority of the Penobscot Nation to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Penobscot Indian territory.
2. It provides that the exclusive jurisdiction of the Penobscot Nation Tribal Court over certain criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within the Penobscot Indian reservation under current law extends to those same types of criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within all of Penobscot Indian territory. To the extent that the Penobscot Nation Tribal Court has exclusive jurisdiction over members of the Passamaquoddy Tribe or the Penobscot Nation under these provisions, it extends that exclusive jurisdiction to members of any of the Wabanaki Nations. It also provides that the exclusive jurisdiction of the Penobscot Nation Tribal Court over domestic relations matters between members of the Passamaquoddy Tribe and the Penobscot Nation, both of whom reside on the Penobscot Indian reservation, extends to the same types of domestic relations matters arising between members of any of the Wabanaki Nations, both of whom reside within Passamaquoddy Indian territory. It further recognizes the exclusive authority of the Penobscot Nation Tribal Court to enforce any drinking water ordinances adopted by the nation for Penobscot Indian territory, except that the nation may not exercise jurisdiction over a nonprofit public municipal corporation.
3. It clarifies within the Maine Implementing Act that the State must give full faith and credit to the judicial proceedings of the Penobscot Nation and that the Penobscot Nation must give full

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faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Because it represents a jurisdictional agreement between the State and the Penobscot Nation authorized by Section 6(e)(1) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part C does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Governor and Council of the Penobscot Nation certify to the Secretary of State that the Penobscot Nation agrees to the provisions of Part C.

Part D of Public Law 2023, chapter 369 amends certain provisions of the Maine Implementing Act governing the jurisdictional relationship between the State and the Houlton Band of Maliseet Indians as follows.

1. It repeals the definition of “Houlton Band Trust Land” and replaces it with a definition that cross-references the definition established in the federal Houlton Band of Maliseet Indians Supplementary Claims Settlement Act of 1986, Pub. L. No. 99-566. It also repeals the definition of “Houlton Band Jurisdiction Land” and newly defines that term to mean all land held by the United States Secretary of the Interior in trust for the Houlton Band of Maliseet Indians as of the effective date of this legislation as well as all land acquired by the secretary in trust for the band after the effective date of this legislation if it is within Aroostook County and within 50 miles of land held in trust for the band on the effective date of this legislation.
2. It recognizes the Houlton Band of Maliseet Indians’ authority to enact ordinances regulating hunting, trapping and fishing within Houlton Band Jurisdiction Land and the authority of the Maine Indian Tribal-State Commission to regulate fishing on certain waters on the boundary of Houlton Band Jurisdiction Land. Lands and waters subject to regulation by the band or the commission must be clearly posted. The hunting, trapping and fishing ordinances and rules adopted by the band and the commission must be equally applicable to members and nonmembers of the band, except that members of the Houlton Band of Maliseet Indians may take fish for their individual sustenance within the boundaries of Houlton Band Jurisdiction Land to the same extent that members of the Passamaquoddy Tribe and the Penobscot Nation may exercise sustenance fishing rights within the boundaries of their respective reservations under current law. It also provides that the Commissioner of Inland Fisheries and Wildlife may conduct fish and wildlife surveys within Houlton Band Jurisdiction Land and establishes a process for the adoption of remedial measures if a tribal ordinance or commission rule or the absence of a tribal ordinance or commission rule is causing or there is a reasonable likelihood that it will cause a significant depletion of fish or wildlife stocks on lands or waters outside the boundaries of Houlton Band Jurisdiction Land.
3. It recognizes the exclusive authority of the Houlton Band of Maliseet Indians in Houlton Band Jurisdiction Land, similar to the authority of the Passamaquoddy Tribe in Passamaquoddy Indian territory, to enact ordinances regulating drinking water unless the band exercises its discretion to enter into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues. It also prohibits the State from exercising primary enforcement authority to implement the federal Safe Drinking Water Act within Houlton Band Jurisdiction Land and recognizes the authority of the Houlton Band

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of Maliseet Indians to seek to be treated as a state and to obtain primary enforcement authority to implement the federal Safe Drinking Water Act within Houlton Band Jurisdiction Land.

4. It combines in one statutory location the three separate provisions of current law describing the exclusive jurisdiction that may be exercised by the Houlton Band of Maliseet Indians Tribal Court over certain criminal offenses, juvenile crimes, small claims and civil drug possession actions arising within Houlton Band Jurisdiction Land and certain domestic relations matters when both parties reside within Houlton Band Jurisdiction Land. To the extent that the Houlton Band of Maliseet Indians Tribal Court may exercise exclusive jurisdiction over members of the Passamaquoddy Tribe, the Penobscot Nation or the Houlton Band of Maliseet Indians under these provisions, it also extends that exclusive jurisdiction to members of the Mi'kmaq Nation. It further recognizes the exclusive authority of the Houlton Band of Maliseet Indians Tribal Court to enforce any drinking water ordinances adopted by the band for Houlton Band Jurisdiction Land, except that the nation may not exercise jurisdiction over a nonprofit public municipal corporation.
5. It requires the State to give full faith and credit to the judicial proceedings of the Houlton Band of Maliseet Indians and the Houlton Band of Maliseet Indians to give full faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Penobscot Nation, the Mi'kmaq Nation and the State.
6. It provides that law enforcement officers appointed by the Houlton Band of Maliseet Indians have exclusive authority to enforce the criminal, juvenile, civil and domestic relations laws within Houlton Band Jurisdiction Land over which the Houlton Band of Maliseet Indians Tribal Court has exclusive jurisdiction. It also specifies that the band's law enforcement officers and state and county law enforcement officers have concurrent authority to enforce all other laws of the State within Houlton Band Jurisdiction Land.

Because it represents a jurisdictional agreement between the State and the Houlton Band of Maliseet Indians authorized by Section 6(e)(2) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part D does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Houlton Band Council certifies to the Secretary of State that the Houlton Band of Maliseet Indians agrees to the provisions of Part D.

Part E of Public Law 2023, chapter 369 amends the provisions of the Maine Implementing Act governing the jurisdictional relationship between the State and both the Passamaquoddy Tribe and the Penobscot Nation as follows.

1. It provides that the Passamaquoddy Tribe and the Penobscot Nation each have exclusive jurisdiction within their respective Indian territory over violations of their respective tribal ordinances by members of any federally recognized Indian tribe, nation, band or other group but that the State has exclusive jurisdiction within Passamaquoddy Indian territory and Penobscot Indian territory over violations of applicable tribal ordinances by persons who are not members of any federally recognized Indian tribe, nation, band or other group.

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2. It provides that law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation have exclusive authority to enforce, within their respective Indian territories, civil and domestic relations laws over which the Passamaquoddy Tribal Court or the Penobscot Nation Tribal Court have exclusive jurisdiction, respectively. Law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation also have exclusive authority to enforce, on their respective Indian reservations, the criminal and juvenile offenses over which the Passamaquoddy Tribal Court or the Penobscot Nation Tribal Court have exclusive jurisdiction. State and county law enforcement officers have concurrent authority with law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation to enforce all other laws of the State within both Indian territories and to enforce fishing rules adopted by the Maine Indian Tribal State Commission.

Because it represents a jurisdictional agreement between the State and the Passamaquoddy Tribe and between the State and the Penobscot Nation authorized by Section 6(e)(1) of the federal Maine Indian Claims Settlement Act of 1980, Pub. L. No. 96-420, Part E does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Joint Tribal Council of the Passamaquoddy Tribe certifies to the Secretary of State that the Passamaquoddy Tribe agrees to the provisions of Part E and the Governor and the Council of the Penobscot Nation certify to the Secretary of State that the Penobscot Nation agrees to the provisions of Part E.

### **LD 1622 Resolve, to Reestablish the Criminal Records Review Committee**

#### **ENACTED LAW SUMMARY**

Resolve 2023, chapter 103 reestablishes the Criminal Records Review Committee to review options for expunging and sealing criminal records and requires the committee to provide both an interim and final report to the joint standing committee of the Legislature having jurisdiction over judiciary matters.

### **LD 1624 An Act to Clarify the Procedure for Amending the Birth Certificate of an Adult to Recognize a Parent Not Known or Listed at the Time of Birth**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 323 clarifies the following processes by which an adult may request an amendment of the adult's birth certificate to identify a parent who was not known or listed at the time of the adult's birth.

1. The adult may request that a genetic parent be added to the adult's birth certificate on the basis of genetic testing without replacing any other parent who is listed on the birth certificate.
2. The adult may request that a parent be added to the adult's birth certificate based on a properly executed voluntary acknowledgement of parentage. If the acknowledged parent will replace a

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parent listed on the birth certificate, the adult must also submit a properly executed denial of parentage from the parent to be replaced.

3. The adult may request that the adult's birth certificate be amended to reflect the adult's parentage as determined by a court in a parentage action or an adoption proceeding.

### **LD 1679 An Act Regarding the Maine Indian Tribal-State Commission**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 370 provides staggered terms for the members of the Maine Indian Tribal-State Commission appointed by the Governor by providing that, of the first six commission members appointed after the effective date of this legislation, 2 members must be appointed for a term of two years, two members must be appointed for a term of three years and two members must be appointed for a term of four years. All subsequent appointments by the Governor to the commission are for three years as specified in the Maine Revised Statutes, Title 30, section 6212, subsection 1.

Public Law 2023, chapter 370 does not take effect unless, within 90 days of the adjournment of the First Special Session of the 131st Legislature, the Secretary of State receives written certification from the Joint Tribal Council of the Passamaquoddy Tribe, the Governor and the Council of the Penobscot Nation and the Houlton Band Council of the Houlton Band of Maliseet Indians that each relevant tribal government has agreed to the provisions of the law.

### **LD 1683 An Act to Provide for Civil Recovery Based on Nonconsensual Removal of or Tampering with a Condom and Considering Sexual Assault in Evaluating Parental Rights**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 298 authorizes a person who engages in a consensual sexual act with another person with the understanding that a condom would be used to bring a civil action for compensatory and punitive damages or injunctive relief against the other person for the nonconsensual removal of or tampering with the condom. In addition, it adds victims of nonconsensual removal of or tampering with a condom to the list of persons eligible to seek a protection from abuse order under the Maine Revised Statutes, Title 19-A, chapter 103.

Public Law 2023, chapter 298 also requires a court, in establishing conditions of parent-child contact in parental rights and responsibilities matters in which a child was conceived as a result of sexual assault or nonconsensual removal of or tampering with a condom, to evaluate whether there may be safety concerns for the child, whether it would be in the best interest of the child to require the parent who committed the act to receive any specific counseling or treatment and any effect contact between the parents would have on the parent who was a victim of the act. The court may not order the victim to attend counseling with the parent who has committed sexual assault or nonconsensual removal of or tampering with a condom.

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### **LD 1730 An Act to Implement Changes to the Laws Relating to Judicial Separation and Divorce Regarding Preliminary Injunctions as Recommended by the Family Law Advisory Commission**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 204 amends the statutes mandating the issuance of a preliminary injunction in judicial separation and divorce proceedings filed in the District Court as follows:

1. It clarifies the statutory language to help unrepresented individuals understand its provisions, including by clarifying that the preliminary injunction is an order of the District Court and by providing greater guidance to the parties about the actions that the parties are and are not prohibited from engaging in while the preliminary injunction is in effect
2. It retains the provision prohibiting each party from disposing of the property of the parties while the preliminary injunction is in effect, adding additional prohibitions against damaging or destroying the property of the parties and providing examples of the types of activities that constitute a violation of this prohibition
3. It expands the provision prohibiting each party from causing the other party or the parties' children to lose their health insurance coverage while the preliminary injunction is in effect to include prohibitions against a party causing the loss of dental, disability, casualty, life and motor vehicle insurance coverage.
4. It specifies that each party is prohibited from interfering with mail, e-mail, text messages and other forms of communication addressed to the other party and that each party is prohibited from signing the other party's name to a negotiable instrument while the preliminary injunction is in effect.
5. It clarifies the provision of current law specifying that the preliminary injunction does not prohibit the parties from encumbering or disposing of property in the usual course of business or for the necessities of life and further providing that the preliminary injunction does not prohibit the parties from accessing funds or incurring debt either to retain an attorney for the legal separation or divorce proceeding or to make regular withdrawals in the normal course of retirement.
6. It removes the provision of current law prohibiting the parties from imposing a restraint on the personal liberty of the other party or of a biological or adopted child of either party of the parties while the preliminary injunction is in effect, an issue that the Family Law Advisory Committee recommended may instead be addressed through the protection from abuse process.

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### **LD 1790 An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 475 removes the limitations period for a civil action or criminal prosecution based on conduct against a minor victim that qualifies as the crime of incest; unlawful sexual contact; sexual abuse of a minor; rape or gross sexual assault, formerly denominated as gross sexual misconduct; unlawful sexual touching; or sexual exploitation of a minor. This law applies to a criminal prosecution based on such conduct with a minor victim either if the criminal conduct is committed on or after the effective date of this law or if the prosecution has not yet been barred by the criminal statute of limitations in force immediately prior to the effective date of this law. In addition, pursuant to the Maine Revised Statutes, Title 14, section 752-C, subsection 3, this law applies to all civil actions based upon such conduct with a minor victim regardless of whether the civil statute of limitations on such action expired prior to the effective date of the legislation.

### **LD 1833 An Act to Amend the Definition of “Educational Institution” Under the Maine Human Rights Act to Include Single-sex Educational Institutions**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 188 amends the definition of “educational institution” under the Maine Human Rights Act by repealing language that previously exempted a single-sex private school or educational program approved for tuition purposes from all provisions except the anti-disability-discrimination provisions of the Act.

### **LD 1906 An Act to Enable Confirmatory Adoption**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 356 establishes a streamlined process, when there are no competing claims of parentage to the child, for the confirmatory adoption of a child either by a single petitioner who gave birth to a child through assisted reproduction or by joint petitioners, one of whom gave birth to a child through assisted reproduction and the other of whom is the presumed parent of the child. Unless required by federal law or ordered by the court for good cause, in evaluating a petition for confirmatory adoption, the court may not require: a hearing, unless requested by a petitioner; a home study, screening for child abuse or other investigation of a petitioner; a federal or state criminal history record check of any person; verification that the child is not on a registry of missing children; appointment of a guardian ad litem; a minimum period of time during which the child must have lived in the home of a petitioner; or an interview with the adoptee, except that, as in other adoptions under state law, the written consent of an adoptee who is 12 years of age or older is required.

#### ENACTED LAW SUMMARIES

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### **LD 1968 An Act to Amend the Membership of the Somerset Woods Trustees**

#### **ENACTED LAW SUMMARY**

Private and Special Law 2023, chapter 16 adds three members to the Somerset Woods Trustees.

### **LD 1970 An Act to Enact the Maine Indian Child Welfare Act**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 359 enacts the Maine Indian Child Welfare Act, which establishes court procedures and standards similar to the federal Indian Child Welfare Act of 1978 and its implementing regulations for protective custody proceedings, guardianships and conservatorships, foster care placements, terminations of parental rights and adoptions involving Indian children in state courts and probate courts. Through the Maine Indian Child Welfare Act, the State recognizes that Indian tribes have a continuing and compelling governmental interest in an Indian child, whether or not the Indian child has resided or is domiciled on an Indian reservation and whether or not the Indian child is in the custody of an Indian parent, custodian or extended family member at the commencement of the proceeding. The Maine Indian Child Welfare Act's purposes are to protect essential tribal relations as well as the best interests of Indian children through practices designed to prevent the voluntary or involuntary out-of-home placement of an Indian child and, whenever such placement is necessary or ordered, by placing the Indian child, whenever possible, in a placement that reflects the unique values of the Indian child's tribal culture and that is best able to assist the Indian child in establishing, developing and maintaining a political, cultural and social relationship with the Indian child's tribe and tribal community. The portion of Public Law 2023, chapter 259 enacting the Maine Indian Child Welfare Act was enacted as an emergency measure effective June 30, 2023.

Public Law 2023, chapter 359 also amends "An Act to Implement the Maine Indian Claims Settlement", commonly referred to as the Maine Implementing Act, to provide that the tribal courts of the Passamaquoddy Tribe, the Penobscot Nation and the Houlton Band of Maliseet Indians may exercise exclusive jurisdiction over Indian child custody proceedings to the extent provided in the Maine Indian Child Welfare Act. Each provision of Public Law 2023, chapter 359 that affects the jurisdiction of tribal courts under the Maine Implementing Act does not take effect unless, within 90 days after adjournment of the First Special Session of the 131st Legislature, the relevant tribal government certifies to the Secretary of State its agreement to that provision.

### **LD 2010 An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine**

#### **ENACTED LAW SUMMARY**

Public Law 2023, chapter 405 corrects technical inconsistencies, conflicts and errors in the laws of Maine.

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The law also includes language, which may be considered substantive, to provide that any action that complied with the former Uniform Foreign Money-judgments Recognition Act under the Maine Revised Statutes, Title 14, former chapter 753 and that was taken between August 8, 2022 and January 1, 2023 to recognize a foreign judgment is valid. When Public Law 2021, chapter 689 was enacted, it did not include a specific effective date of January 1, 2023 for the repeal of the former Uniform Foreign Money-judgments Recognition Act to coincide with the January 1, 2023 effective date of the new Uniform Foreign-country Money Judgments Recognition Act in Title 14, chapter 759 and the new Uniform Registration of Canadian Money Judgments Act in Title 14, chapter 761.

Public Law 2023, chapter 405 was enacted as an emergency measure effective July 10, 2023.

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### ***ANALYST NOTES***

*This section includes additional information relating to certain LDs as noted in a committee digest. This is 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.*

#### **LD 41 An Act to Increase the Hourly Reimbursement Rate of the Maine Commission on Indigent Legal Services Lawyers to \$150 per Hour**

Although this bill was not enacted, the supplemental budget bill enacted in the First Regular Session directed the Maine Commission on Indigent Legal Services (MCILS) to adopt major substantive rules on an emergency basis increasing the reimbursement rate for assigned counsel to up to \$150 per hour effective March 1, 2023. See Appropriations and Financial Affairs, Enacted Law Summary, LD 206, Part Q. Additional funding to support the increased reimbursement rate was included in the biennial budget bill enacted in the First Regular Session. See Appropriations and Financial Affairs, Enacted Law Summary, LD 424, §A-38 and Part T.

#### **LD 279 An Act to Protect Against Discrimination by Public Entities**

This bill was finally enacted in both the House and the Senate prior to the adjournment sine die of the First Special Session but was not signed by the Governor. Pursuant to the Constitution of Maine, the final disposition of this bill will be determined during the next legislative session.

#### **LD 564 An Act to Improve Access to Civil Legal Services**

Although this bill was not enacted, one-time funding of \$4,000,000 for distribution by the Civil Legal Services Fund Commission was incorporated into Public Law 2023, chapter 412, Section A-26, the biennial budget bill enacted in the First Special Session. See Appropriations and Financial Affairs, Enacted Law Summary, LD 258, Part A.