

STATE OF MAINE  
130<sup>TH</sup> LEGISLATURE  
FIRST REGULAR AND FIRST SPECIAL SESSIONS



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

**JOINT STANDING COMMITTEE ON JUDICIARY**

December 2021

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## *Joint Standing Committee on Judiciary*

### **SUBJECT INDEX**

#### *Abortion Issues*

##### **Not Enacted**

LD 748	An Act To Remove Coverage under the MaineCare Program for Abortions Not Covered by Medicaid	Majority (ONTP) Report
LD 811	An Act To Protect the Reproductive Rights and Freedoms of Maine People	CARRIED OVER
LD 825	An Act To Ensure Equality in Women's Health Care Access in Maine by Requiring Facilities Providing Abortions To Inform Patients of Options and Alternatives	Majority (ONTP) Report
LD 851	An Act To Ensure Women Are Informed of Abortion Pill Reversal	Majority (ONTP) Report
LD 915	An Act To Conform State Funding to the Federal Hyde Amendment Limiting Funding for Some Abortion Services	Majority (ONTP) Report
LD 1225	An Act To Provide Dignity for Fetal Remains by Requiring Their Interment or Cremation	Majority (ONTP) Report
LD 1229	An Act To Require Certain Medical Providers To Administer Ultrasounds and Provide Information to Certain Pregnant Patients	Majority (ONTP) Report

#### *Asset Seizure and Forfeiture*

##### **Enacted**

LD 1521	An Act To Strengthen Protections against Civil Asset Forfeiture	PUBLIC 454
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##### **Not Enacted**

LD 1368	An Act To Require Due Process in Asset Seizure	Majority (ONTP) Report
LD 1499	An Act To Improve Accountability in Asset Seizure and Forfeiture Reporting	Majority (ONTP) Report

### *Attorney General & District Attorneys*

#### **Enacted**

LD 1236 An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements PUBLIC 392

#### **Not Enacted**

LD 272 An Act To Establish Separate Prosecutorial Districts in Downeast Maine CARRIED OVER

LD 850 An Act Regarding the Employment Status of Assistant District Attorneys Leave to Withdraw Pursuant to Joint Rule 310

LD 1270 An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts Died Between Houses

LD 1273 An Act To Establish a Conviction Integrity Unit in Maine CARRIED OVER

### *Business & Nonprofit Organizations*

#### **Enacted**

LD 683 An Act To Allow Maine Nonprofit Corporations To Hold Meetings Electronically PUBLIC 304

LD 1200 An Act To Bring Gender Parity to Corporate Boards PUBLIC 385

LD 1606 An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Corporations PUBLIC 317

#### **Not Enacted**

LD 887 An Act To Require Uniform Adherence to Internal Revenue Service Guidelines by Maine Nonprofit Organizations Majority (ONTP) Report

### *Child Abuse and Child Protection*

#### **Enacted**

LD 560 An Act To Amend the Safe Haven Laws PUBLIC 466

LD 765	An Act To Provide for Judicial Review in Compliance with the Federal Family First Prevention Services Act	PUBLIC 210
LD 766	An Act To Ensure the Safety of Certain State Employees by Allowing Disclosure of Certain Confidential Information in Limited Circumstances	PUBLIC 148
LD 778	An Act To Enable Electronic Reporting of Suspected Child Abuse and Neglect for Certain Mandated Reporters	PUBLIC 116

### *Civil Procedure*

**Enacted**

LD 737	An Act To Increase the Value of Property Exempt from Attachment and Execution	PUBLIC 382
LD 855	An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change	PUBLIC 309

**Not Enacted**

LD 767	An Act To Allow the Participation of Marine Patrol Officers in Proceedings for Administrative Suspension of a License or Certificate	ONTP
LD 853	An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents	CARRIED OVER
LD 902	An Act To Enact the Uniform Registration of Canadian Money Judgments Act	ONTP
LD 903	An Act To Enact the Uniform Foreign-country Money Judgments Recognition Act	CARRIED OVER
LD 905	An Act To Enact the Uniform Voidable Transactions Act	Leave to Withdraw Pursuant to Joint Rule 310
LD 1160	An Act To Reduce the Burden on Courts and Promote the Resolution of Civil Cases	Veto Sustained

## Courts

### Enacted

LD 1096	An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing	PUBLIC 343
LD 1612	An Act To Facilitate Children's Testimony in Certain Sex Crime Cases	PUBLIC 395
LD 1692	An Act To Improve Judicial Branch Facilities in Hancock County	PUBLIC 451

### Not Enacted

LD 233	An Act To Provide Electronic Access to Confidential Juror Information	CARRIED OVER
LD 237	An Act To Allow Veterans To Opt Out of Jury Duty	ONTP
LD 411	An Act To Ensure Fair Judicial Outcomes	INDEF PP

## Criminal Law and Procedure

### Enacted

LD 132	An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine	PUBLIC 460
LD 448	An Act Regarding Recording of Witness Interviews	PUBLIC 381
LD 776	An Act To Amend the Length of Time and Circumstances for Which a Sheriff May Furlough Individuals Incarcerated in a County Jail	PUBLIC 211
LD 788	An Act To Align the Preconviction and Post-conviction Discretionary Deductions for Time Served	PUBLIC 330
LD 834	An Act To Ensure the Appropriate Allocation of Victim Restitution	PUBLIC 307

LD 841	An Act Regarding Deferred Disposition	PUBLIC 308
LD 858	An Act To Limit Reincarceration for Persons on Probation	PUBLIC 403
LD 957	An Act To Authorize Expanded Deferred Disposition Requirements	PUBLIC 338
LD 1226	Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice	RESOLVE 101
LD 1480	An Act Regarding the Review of Law Enforcement Use of Deadly Force	PUBLIC 353
LD 1521	An Act To Strengthen Protections against Civil Asset Forfeiture	PUBLIC 454
LD 1617	An Act To Amend the Victim Services Laws To Define "Restorative Justice"	PUBLIC 355
LD 1703	An Act To Amend the Bail Code	PUBLIC 397

**Not Enacted**

LD 54	An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence	CARRIED OVER
LD 478	An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons	CARRIED OVER
LD 679	An Act To Establish a Statewide Electronic Warrant System	CARRIED OVER
LD 793	An Act To Include as a Factor in Sentencing the Selection of a Victim Based on the Victim's Employment as a Law Enforcement Officer	ONTP

LD 842	Resolve, To Create the Commission To Examine Reestablishing Parole	HELD BY GOVERNOR
LD 844	An Act To Examine and Amend the Conditions of Release and Probation	CARRIED OVER
LD 917	An Act Regarding Electronic Monitoring of Pretrial and Post-conviction Defendants	ONTP
LD 1134	An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release	Veto Sustained
LD 1303	Resolve, To Require the Revisor of Statutes To Compile a List of Mandatory Minimum Sentences Contained in the Maine Revised Statutes	CARRIED OVER
LD 1368	An Act To Require Due Process in Asset Seizure	Majority (ONTP) Report
LD 1499	An Act To Improve Accountability in Asset Seizure and Forfeiture Reporting	Majority (ONTP) Report
LD 1630	Resolve, To Establish the Proportional Fines Commission	Died On Adjournment
LD 1728	An Act To Provide Assistance to Law Enforcement Officers To Allow Them To Protect the Residents of the State	CARRIED OVER

**Criminal Law and Procedure: Human Trafficking**

**Enacted**

LD 813	An Act To Create the Crime of Aggravated Sex Trafficking of a Person 14 Years of Age or Younger	PUBLIC 469
LD 1455	An Act To Support Survivors of Sex Trafficking and Exploitation	PUBLIC 315

**Not Enacted**

LD 545	An Act To Combat the Sexual Exploitation of Minors in Maine	CARRIED OVER
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LD 1719 An Act To Prevent Human Trafficking and Child Exploitation ONTP

**Criminal Records and Juvenile Records**

**Enacted**

LD 563 Resolve, To Create the Criminal Records Review Committee RESOLVE 121

LD 1676 An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information PUBLIC 365

**Not Enacted**

LD 216 An Act To Seal Marijuana Criminal Convictions and Civil Adjudications ONTP

LD 1055 Resolve, To Automatically Seal the Criminal History Records Relating to Any Crimes Decriminalized in the 130th Legislature ONTP

LD 1210 An Act To Remove Barriers to Employment by Sealing the Records of Persons Convicted of Certain Nonviolent Crimes ONTP

LD 1310 An Act Regarding Criminal Records CARRIED OVER

LD 1459 An Act Regarding a Post-judgment Motion by a Person Seeking To Satisfy the Prerequisites for Obtaining Special Restrictions on the Dissemination and Use of Criminal History Record Information for Certain Criminal Convictions ONTP

LD 1465 An Act To Remove Barriers to Occupational Licensing Due to Criminal Records ONTP

LD 1602 An Act Regarding Criminal Records ONTP

**Family Law**

**Enacted**

LD 222 An Act To Update the Maine Parentage Act PUBLIC 141

*Judiciary*

LD 535	An Act To Provide for the Well-being of Companion Animals upon the Dissolution of Marriages	PUBLIC 285
LD 562	An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support	PUBLIC 300
LD 642	An Act To Ensure That Children Receive Behavioral Health Services	PUBLIC 302
LD 947	An Act To Address the Long-term Impact of Economic Abuse by a Spouse	PUBLIC 122
LD 1030	An Act Regarding Courts' Authority To Protect Children When a Parent Has Been Awarded Sole Parental Rights and Responsibilities	PUBLIC 340
LD 1102	Resolve, Directing the Family Law Advisory Commission To Review Preliminary Injunctions in Judicial Separation and Divorce Actions	RESOLVE 78
LD 1577	Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations	RESOLVE 99

**Not Enacted**

LD 622	An Act To Prohibit Marriage of Any Person under 18 Years of Age	Died Between Houses
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**Foreclosure**

**Enacted**

LD 1066	An Act To Clarify the Definition of "Mortgage Servicer" in the Laws Governing Mortgage Foreclosures	PUBLIC 203
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**Freedom of Access/Confidentiality/Privacy**

**Enacted**

LD 1221	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	PUBLIC 182
LD 1345	An Act To Implement the Recommendations of the Right To Know Advisory Committee	PUBLIC 313

***Judiciary***

LD 1346 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Fees Charged for Responding to Public Records Requests PUBLIC 375

**Not Enacted**

LD 1581 An Act To Require Telecommunications Companies To Divulge Location Information to Law Enforcement When Necessary To Respond to a 9-1-1 Call or Locate a Person in Danger CARRIED OVER

**Freedom of Access/Confidentiality/Privacy - Privacy**

**Enacted**

LD 864 An Act To Protect Teachers' Privacy While Delivering Remote Instruction PUBLIC 383

**Not Enacted**

LD 331 An Act To Protect Student Privacy Majority (ONTP) Report

LD 402 An Act To Protect an Individual's Personal Data Majority (ONTP) Report

LD 725 An Act To Improve Transparency in State Code and License Violations by Making Public the Names of Complainants ONTP

LD 1438 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Declare the Natural, Inherent and Unalienable Right of Enjoying Personal Privacy ONTP

LD 1529 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Right to Privacy CARRIED OVER

**Freedom of Access/Remote Participation**

**Enacted**

LD 32 An Act Regarding Remote Participation in Public Proceedings PUBLIC 290

LD 1224 An Act To Authorize Remote Participation in Maine State Cultural Affairs Council Meetings PUBLIC 269

**Not Enacted**

LD 668 An Act To Ensure Public Accountability While Implementing a Practical Approach to Remote Participation ONTP

LD 746 An Act Regarding Remote Participation in Municipal Meetings ONTP

LD 1578 An Act To Permit Remote Access for Public Proceedings ONTP

**Human Rights/Civil Rights/Free Speech**

**Enacted**

LD 855 An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change PUBLIC 309

LD 1294 An Act To Prevent Discrimination against Domestic Violence Victims PUBLIC 476

LD 1336 An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents PUBLIC 348

LD 1591 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names RESOLVE 98

LD 1688 An Act To Improve Consistency in Terminology and within the Maine Human Rights Act PUBLIC 366

**Not Enacted**

LD 598 An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle CARRIED OVER

LD 741 An Act To Establish a Bill of Rights for Maine Residents 65 Years of Age and Older ONTP

LD 879 An Act Clarifying the Acceptance of Public Funding by Community Benefit Organizations Majority (ONTP) Report

LD 908 An Act To Protect Maine Residents and Organizations from Unreasonable and Illegal Surveillance, Monitoring or Tracking ONTP

***Judiciary***

LD 923	An Act To Enact the Stop Guilt by Accusation Act	Majority (ONTP) Report
LD 982	An Act To Protect against Discrimination by Public Entities	CARRIED OVER
LD 1180	An Act To Prohibit Discrimination in Housing Based on a Person's Participation in a Rental Assistance Program	Died Between Houses
LD 1374	An Act To Extend the Time Period for Filing a Complaint under the Maine Human Rights Act for Discrimination Based on an Alleged Sexual Act, Sexual Contact or Sexual Touching	ONTP
LD 1378	An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities	Died Between Houses
LD 1609	An Act To Stop Social Media Censorship	Majority (ONTP) Report

**Human Rights/Civil Rights/Free Speech - Gender/Orientation/Identity**

**Not Enacted**

LD 344	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual	CARRIED OVER
LD 926	An Act To Ban Biological Males from Participating in Women's Sports	Died On Adjournment
LD 1238	An Act To Protect Women's Single-sex Shelters	Majority (ONTP) Report
LD 1401	An Act To Prohibit Biological Males from Participating in School Athletic Programs and Activities Designated for Females at Schools That Receive Federal Funding	ONTP
LD 1538	An Act To Protect the Rights of People Who Are LGBTQ in Maine	Leave to Withdraw Pursuant to Joint Rule 310

### *Indigent Legal Services*

#### **Enacted**

LD 1685 An Act To Protect the Constitutional Rights of Indigent Defendants PUBLIC 480

LD 1687 An Act To Improve the Provision of Indigent Legal Services PUBLIC 481

#### **Not Enacted**

LD 348 An Act To Give Oversight Powers to the Maine Commission on Indigent Legal Services ONTP

LD 398 An Act To Implement Recommendations of the Sixth Amendment Center Concerning Indigent Legal Services ONTP

LD 1686 An Act To Implement a Geographically Limited Public Defender Office CARRIED OVER

### *Involuntary Commitment and Treatment*

#### **Enacted**

LD 747 An Act Regarding Civil Mental Health Evaluations of Former Criminal Defendants PUBLIC 306

LD 785 An Act To Change the Standard for Taking a Person into Protective Custody PUBLIC 377

LD 868 An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations PUBLIC 389

#### **Not Enacted**

LD 861 Resolve, Directing the Department of Health and Human Services to Contract for Assessments for Involuntary Hospitalizations CARRIED OVER

### *Juvenile Code*

#### **Enacted**

LD 27 An Act To Provide an Immediate Opportunity To Appeal for a Juvenile Bound Over into Criminal Court PUBLIC 23

LD 320	An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles	PUBLIC 326
LD 1676	An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information	PUBLIC 365

### *Landlord and Tenant Issues*

**Enacted**

LD 1380	An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property	PUBLIC 350
LD 1508	An Act To Prevent Homelessness by Establishing an Eviction Mediation Program	PUBLIC 316

**Not Enacted**

LD 681	Resolve, To Establish a Task Force To Study Safe and Stable Housing in Lodging Facilities	Died On Adjournment
LD 795	An Act To Address Rental Housing Policies	ONTP
LD 1143	An Act To Protect Tenants from Unnecessary Evictions	Majority (ONTP) Report
LD 1255	An Act To Prohibit Evictions until 90 Days after the End of the Governor's Declaration of Emergency	Report B (ONTP)
LD 1296	An Act To Guarantee Housing Rights during a State of Civil Emergency	Majority (ONTP) Report

### *Legal Services*

**Enacted**

LD 483	An Act To Clarify Funding for Civil Legal Services	PUBLIC 329
LD 1144	An Act To Amend the Law Regarding Advance Health Care Directives	PUBLIC 452

LD 1399	An Act To Continue Temporary Modification of Certain In-person Notarization and Acknowledgement Requirements and Developing Permanent Implementation of Remote and Online Notarization	PUBLIC 337
<b>Not Enacted</b>		
LD 810	An Act To Allow Remote Notarization of Documents in Limited Circumstances While Preventing Exploitation	ONTP
LD 904	An Act Concerning the Revised Uniform Law on Notarial Acts	ONTP
LD 1326	An Act To Provide Funding for the Maine Civil Legal Services Fund	CARRIED OVER

### *Medical Rights*

**Not Enacted**

LD 124	An Act To Clarify the Law Concerning the Priority of Appointment of Personal Representatives under the Maine Uniform Probate Code	ONTP
LD 1292	An Act Regarding the Parental Right To Direct the Health Care of Children	Majority (ONTP) Report
LD 1510	An Act Concerning Informed Consent of Minors' Authority to Release Health Care Information	Majority (ONTP) Report

### *Probate Code and Probate Court*

**Enacted**

LD 145	An Act To Amend the Maine Uniform Probate Code	PUBLIC 4
LD 209	An Act Concerning Name Changes for Minors	PUBLIC 14
LD 345	An Act Updating Certain Probate Filing and Certification Fees To Reflect Current Costs	PUBLIC 250
LD 366	An Act Regarding Emergency Guardianship	PUBLIC 463

### *Judiciary*

LD 719 Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch RESOLVE 104

**Not Enacted**

LD 124 An Act To Clarify the Law Concerning the Priority of Appointment of Personal Representatives under the Maine Uniform Probate Code ONTP

LD 310 An Act To Establish Equitable Education Requirements for Judges ONTP

LD 480 An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding CARRIED OVER

**Protection from Abuse and Protection from Harassment**

**Enacted**

LD 803 An Act Regarding Violation of a Protective Order PUBLIC 432

LD 1294 An Act To Prevent Discrimination against Domestic Violence Victims PUBLIC 476

**Not Enacted**

LD 291 An Act Regarding Continuances for Protection from Abuse Hearings ONTP

LD 579 Resolve, To Conduct an Independent Examination of the Protection Order System To Determine whether There Is Systemic Misuse by Applicants ONTP

LD 1068 An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment CARRIED OVER

LD 1696 An Act To Clarify and Recodify Maine's Protection from Abuse Statutes CARRIED OVER

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

**Enacted**

LD 192 An Act To Define the Responsibilities of Residential Property Owners for the Maintenance and Repair of Private Roads PUBLIC 13

**Not Enacted**

LD 355 An Act To Require Pest Disclosure in All Real Estate Transactions ONTP

LD 660 An Act Regarding Protection from Power Outages for Tenants 65 Years of Age and Older in Subsidized Housing ONTP

**Statutes****Enacted**

LD 1730 An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine PUBLIC 293

**Torts and Immunity****Enacted**

LD 952 An Act To Limit Liability Regarding Donations of Menstrual Products PUBLIC 178

LD 1254 An Act Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors from Liability PUBLIC 214

**Not Enacted**

LD 214 An Act To Eliminate Qualified Immunity for Police Officers Majority (ONTP) Report

LD 461 An Act To Allow the Reduction of a MaineCare Lien CARRIED OVER

LD 986 An Act To Provide Campground Owners Limited Civil Liability from the Inherent Risks of Camping Died Between Houses

LD 1403 An Act To Protect Maine Businesses, Nonprofits, Educational Institutions and Municipalities during the COVID-19 Pandemic Majority (ONTP) Report

LD 1416 An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims Died Between Houses

LD 1419 An Act To Support Health Care Providers during State Public Health Emergencies Majority (ONTP) Report

***Judiciary***

### *Torts and Immunity - Statutes of Limitation*

#### **Enacted**

LD 363	An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances	PUBLIC 328
LD 589	An Act To Provide Access to Justice for Victims of Child Sexual Abuse	PUBLIC 301
LD 690	An Act To Ensure That Victims of Assault, Battery and False Imprisonment, Including Victims of Domestic Violence, Have Parity under Tort Law	PUBLIC 207

#### **Not Enacted**

LD 627	An Act Relating to the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances	ONTP
LD 688	An Act To Promote Justice for Victims of Childhood Sexual Abuse	ONTP

### *Tribal-State Relations*

#### **Enacted**

LD 159	An Act To Eliminate Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement	PUBLIC 139
LD 562	An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support	PUBLIC 300

#### **Not Enacted**

LD 71	An Act To Provide State Recognition for the Kineo Band of Maliseet Indians	Majority (ONTP) Report
LD 585	An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010	CARRIED OVER
LD 906	An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water	CARRIED OVER
LD 1218	Resolve, To Require the Attorney General To Provide an Update on Maine's Implementation of the Federal Law Called "Savanna's Act"	CARRIED OVER

LD 1568	An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	CARRIED OVER
LD 1626	An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	CARRIED OVER
LD 1665	An Act To Amend AN ACT to Implement the Maine Indian Claims Settlement Concerning Land Acquisition and Criminal Jurisdiction	CARRIED OVER

**Trust Code**

**Enacted**

LD 422	An Act To Enact the Maine Uniform Trust Decanting Act	PUBLIC 235
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**Unclaimed Property**

**Enacted**

LD 420	An Act To Amend the Maine Revised Unclaimed Property Act	PUBLIC 41
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**DIGEST OF BILLS AND SUMMARIES OF ENACTED LAWS**  
**130th Legislature, First Regular and First Special Sessions - 2021**

**DIGEST OF BILLS**

PL = Public Law; P&SL = Private and Special Law;  
 RESLV = Resolve; CON RES = Constitutional Resolution;  
 IB = Initiated Bill

**Bills Referred to  
 Judiciary (JUD)**

Comm	LD	Title	Comm Action	Carried over?	Final Disposition	Enacted Laws		Sess
						Law	Ch	
JUD	27	An Act To Provide an Immediate Opportunity To Appeal for a Juvenile Bound Over into Criminal Court	Reported Out	OTP-AM	Enacted	PL	23	R1
JUD	32	An Act Regarding Remote Participation in Public Proceedings	Reported Out	OTP-AM	Emergency Enacted	PL	290	S1
JUD	54	An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Newly Discovered Evidence	Reported Out	OTP-AM/ OTP-AM/ ONTP	Carried On Approps Table			S1
JUD	71	An Act To Provide State Recognition for the Kineo Band of Maliseet Indians	Reported Out	ONTP/ OTP	Accepted Majority (ONTP) Report			R1
JUD	124	An Act To Clarify the Law Concerning the Priority of Appointment of Personal Representatives under the Maine Uniform Probate Code	Reported Out	ONTP	Ought Not to Pass Pursuant to Joint Rule 310			R1
JUD	132	An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine	Reported Out	OTP-AM/ ONTP	Enacted	PL	460	S1
JUD	145	An Act To Amend the Maine Uniform Probate Code	Reported Out	OTP-AM	Emergency Enacted	PL	4	R1
JUD	159	An Act To Eliminate Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement	Reported Out	OTP-AM/ OTP-AM	Enacted	PL	139	S1
JUD	192	An Act To Define the Responsibilities of Residential Property Owners for the Maintenance and Repair of Private Roads	Reported Out	OTP	Enacted	PL	13	R1
JUD	209	An Act Concerning Name Changes for Minors	Reported Out	OTP	Enacted	PL	14	R1
JUD	214	An Act To Eliminate Qualified Immunity for Police Officers	Reported Out	ONTP/ OTP-AM	Accepted Majority (ONTP) Report			S1
JUD	216	An Act To Seal Marijuana Criminal Convictions and Civil Adjudications	Reported Out	ONTP	Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	222	An Act To Update the Maine Parentage Act	Reported Out	OTP-AM/ ONTP	Enacted	PL	141	S1

Bills Referred to  
Judiciary (JUD)

PL = Public Law; P&SL = Private and Special Law;  
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Comm	LD	Title	Comm Action	Carried over?	Final Disposition	Enacted Laws		Sess	
						Law	Ch		
JUD	233	An Act To Provide Electronic Access to Confidential Juror Information	Carry Over Approved		Carried Over In Comm			S1	
JUD	237	An Act To Allow Veterans To Opt Out of Jury Duty	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310		R1	
JUD	272	An Act To Establish Separate Prosecutorial Districts in Downeast Maine	Reported Out	OTP-AM	Carried On Approps Table			S1	
JUD	291	An Act Regarding Continuances for Protection from Abuse Hearings	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310		S1	
JUD	310	An Act To Establish Equitable Education Requirements for Judges	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310		R1	
JUD	320	An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles	Reported Out	OTP-AM		Enacted	PL	326	S1
JUD	331	An Act To Protect Student Privacy	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	344	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual	Carry Over Approved		Carried Over In Comm				S1
JUD	345	An Act Updating Certain Probate Filing and Certification Fees To Reflect Current Costs	Reported Out	OTP		Enacted	PL	250	S1
JUD	348	An Act To Give Oversight Powers to the Maine Commission on Indigent Legal Services	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	355	An Act To Require Pest Disclosure in All Real Estate Transactions	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	363	An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances	Reported Out	OTP-AM		Enacted	PL	328	S1
JUD	366	An Act Regarding Emergency Guardianship	Reported Out	OTP-AM/ ONTP		Enacted	PL	463	S1

*Bills Referred to  
Judiciary (JUD)*

PL = Public Law; P&SL = Private and Special Law;  
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Comm	LD	Title	Comm Action		Carried over?	Final Disposition	Enacted Laws		Sess
							Law	Ch	
JUD	398	An Act To Implement Recommendations of the Sixth Amendment Center Concerning Indigent Legal Services	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	402	An Act To Protect an Individual's Personal Data	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	411	An Act To Ensure Fair Judicial Outcomes	Reported Out	REF TO HHS		Indefinitely Postponed			S1
JUD	420	An Act To Amend the Maine Revised Unclaimed Property Act	Reported Out	OTP		<u>Enacted</u>	<u>PL</u>	<u>41</u>	R1
JUD	422	An Act To Enact the Maine Uniform Trust Decanting Act	Reported Out	OTP-AM		<u>Enacted</u>	<u>PL</u>	<u>235</u>	S1
JUD	448	An Act Regarding Recording of Witness Interviews	Reported Out	OTP-AM		<u>Enacted</u>	<u>PL</u>	<u>381</u>	S1
JUD	461	An Act To Allow the Reduction of a MaineCare Lien	Reported Out	OTP-AM/ ONTP	Carried On Approps Table				S1
JUD	478	An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons	Reported Out	OTP-AM/ OTP-AM	Carried On Approps Table				S1
JUD	480	An Act To Establish a Presumption of Entitlement to Counsel for a Person Who Is the Subject of an Adult Guardianship, Conservatorship or Other Protective Arrangement Proceeding	Carry Over Approved		Carried Over In Comm				S1
JUD	483	An Act To Clarify Funding for Civil Legal Services	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	<u>PL</u>	<u>329</u>	S1
JUD	535	An Act To Provide for the Well-being of Companion Animals upon the Dissolution of Marriages	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	<u>PL</u>	<u>285</u>	S1
JUD	545	An Act To Combat the Sexual Exploitation of Minors in Maine	Reported Out	OTP-AM/ ONTP	Carried On Approps Table				S1
JUD	560	An Act To Amend the Safe Haven Laws	Reported Out	OTP-AM		<u>Enacted</u>	<u>PL</u>	<u>466</u>	S1
JUD	562	An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	<u>PL</u>	<u>300</u>	S1

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Comm	LD	Title	Comm Action	Carried over?	Final Disposition	Enacted Laws		Sess
						Law	Ch	
JUD	563	Resolve, To Create the Criminal Records Review Committee	Reported Out OTP-AM/ ONTP		Finally Passed	RESLV	121	S1
JUD	579	Resolve, To Conduct an Independent Examination of the Protection Order System To Determine whether There Is Systemic Misuse by Applicants	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	585	An Act To Restore to the Penobscot Nation and Passamaquoddy Tribe the Authority To Exercise Jurisdiction under the Federal Tribal Law and Order Act of 2010	Carry Over Approved	Carried Over In Comm				S1
JUD	589	An Act To Provide Access to Justice for Victims of Child Sexual Abuse	Reported Out OTP-AM/ ONTP		Enacted	PL	301	S1
JUD	598	An Act To Prohibit Discrimination in Employment and School Based on Hair Texture or Hairstyle	Carry Over Approved	Carried Over In Comm				S1
JUD	622	An Act To Prohibit Marriage of Any Person under 18 Years of Age	Reported Out OTP/ ONTP/ OTP-AM		Died Between Houses			S1
JUD	627	An Act Relating to the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	642	An Act To Ensure That Children Receive Behavioral Health Services	Reported Out OTP-AM/ ONTP		Enacted	PL	302	S1
JUD	660	An Act Regarding Protection from Power Outages for Tenants 65 Years of Age and Older in Subsidized Housing	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	668	An Act To Ensure Public Accountability While Implementing a Practical Approach to Remote Participation	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	679	An Act To Establish a Statewide Electronic Warrant System	Reported Out OTP-AM	Carried On Approps Table				S1
JUD	681	Resolve, To Establish a Task Force To Study Safe and Stable Housing in Lodging Facilities	Reported Out OTP-AM		Died On Adjournment			S1
JUD	683	An Act To Allow Maine Nonprofit Corporations To Hold Meetings Electronically	Reported Out OTP-AM/ OTP-AM		Enacted	PL	304	S1

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						Law	Ch	
JUD	688	An Act To Promote Justice for Victims of Childhood Sexual Abuse	Reported Out	ONTP	Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	690	An Act To Ensure That Victims of Assault, Battery and False Imprisonment, Including Victims of Domestic Violence, Have Parity under Tort Law	Reported Out	OTP-AM	<u>Emergency Enacted</u>	PL	207	S1
JUD	719	Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch	Reported Out	OTP-AM/ ONTP	<u>Finally Passed</u>	RESLV	104	S1
JUD	725	An Act To Improve Transparency in State Code and License Violations by Making Public the Names of Complainants	Reported Out	ONTP	Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	737	An Act To Increase the Value of Property Exempt from Attachment and Execution	Reported Out	OTP-AM/ ONTP	<u>Enacted</u>	PL	382	S1
JUD	741	An Act To Establish a Bill of Rights for Maine Residents 65 Years of Age and Older	Reported Out	ONTP	Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	746	An Act Regarding Remote Participation in Municipal Meetings	Reported Out	ONTP	Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	747	An Act Regarding Civil Mental Health Evaluations of Former Criminal Defendants	Reported Out	OTP-AM/ ONTP	<u>Enacted</u>	PL	306	S1
JUD	748	An Act To Remove Coverage under the MaineCare Program for Abortions Not Covered by Medicaid	Reported Out	ONTP/ OTP-AM	Accepted Majority (ONTP) Report			S1
JUD	765	An Act To Provide for Judicial Review in Compliance with the Federal Family First Prevention Services Act	Reported Out	OTP-AM	<u>Enacted</u>	PL	210	S1
JUD	766	An Act To Ensure the Safety of Certain State Employees by Allowing Disclosure of Certain Confidential Information in Limited Circumstances	Reported Out	OTP/ ONTP	<u>Enacted</u>	PL	148	S1
JUD	767	An Act To Allow the Participation of Marine Patrol Officers in Proceedings for Administrative Suspension of a License or Certificate	Reported Out	ONTP	Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	776	An Act To Amend the Length of Time and Circumstances for Which a Sheriff May Furlough Individuals Incarcerated in a County Jail	Reported Out	OTP	<u>Enacted</u>	PL	211	S1
JUD	778	An Act To Enable Electronic Reporting of Suspected Child Abuse and Neglect for Certain Mandated Reporters	Reported Out	OTP	<u>Enacted</u>	PL	116	S1

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						Law	Ch	
JUD	785	An Act To Change the Standard for Taking a Person into Protective Custody	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	PL 377	S1
JUD	788	An Act To Align the Preconviction and Post-conviction Discretionary Deductions for Time Served	Reported Out	OTP-AM		<u>Enacted</u>	PL 330	S1
JUD	793	An Act To Include as a Factor in Sentencing the Selection of a Victim Based on the Victim's Employment as a Law Enforcement Officer	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310		S1
JUD	795	An Act To Address Rental Housing Policies	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310		S1
JUD	803	An Act Regarding Violation of a Protective Order	Reported Out	OTP-AM		<u>Enacted</u>	PL 432	S1
JUD	810	An Act To Allow Remote Notarization of Documents in Limited Circumstances While Preventing Exploitation	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310		S1
JUD	811	An Act To Protect the Reproductive Rights and Freedoms of Maine People	Carry Over Approved		Carried Over In Comm			S1
JUD	813	An Act To Create the Crime of Aggravated Sex Trafficking of a Person 14 Years of Age or Younger	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	PL 469	S1
JUD	825	An Act To Ensure Equality in Women's Health Care Access in Maine by Requiring Facilities Providing Abortions To Inform Patients of Options and Alternatives	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report		S1
JUD	834	An Act To Ensure the Appropriate Allocation of Victim Restitution	Reported Out	OTP-AM		<u>Enacted</u>	PL 307	S1
JUD	841	An Act Regarding Deferred Disposition	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	PL 308	S1
JUD	842	Resolve, To Create the Commission To Examine Reestablishing Parole	Reported Out	OTP-AM/ OTP-AM/ ONTP				S1
JUD	844	An Act To Examine and Amend the Conditions of Release and Probation	Reported Out	OTP-AM/ ONTP	Carried On Approps Table			S1

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						Law	Ch		
JUD	850	An Act Regarding the Employment Status of Assistant District Attorneys	Reported Out	LTW		Leave to Withdraw Pursuant to Joint Rule 310			S1
JUD	851	An Act To Ensure Women Are Informed of Abortion Pill Reversal	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	853	An Act To Increase the Fees Paid to Sheriffs and Their Deputies for Service of Civil Process Documents	Reported Out	OTP-AM	Carried On Approps Table				S1
JUD	855	An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change	Reported Out	OTP/ ONTP/ OTP-AM		Enacted	PL	309	S1
JUD	858	An Act To Limit Reincarceration for Persons on Probation	Reported Out	OTP-AM/ ONTP		Enacted	PL	403	S1
JUD	861	Resolve, Directing the Department of Health and Human Services to Contract for Assessments for Involuntary Hospitalizations	Carry Over Approved		Carried Over In Comm				S1
JUD	864	An Act To Protect Teachers' Privacy While Delivering Remote Instruction	Reported Out	OTP-AM/ ONTP		Enacted	PL	383	S1
JUD	868	An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations	Reported Out	OTP-AM/ ONTP		Enacted	PL	389	S1
JUD	879	An Act Clarifying the Acceptance of Public Funding by Community Benefit Organizations	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	887	An Act To Require Uniform Adherence to Internal Revenue Service Guidelines by Maine Nonprofit Organizations	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	902	An Act To Enact the Uniform Registration of Canadian Money Judgments Act	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	903	An Act To Enact the Uniform Foreign-country Money Judgments Recognition Act	Carry Over Approved		Carried Over In Comm				S1
JUD	904	An Act Concerning the Revised Uniform Law on Notarial Acts	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1

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						Law	Ch		
JUD	905	An Act To Enact the Uniform Voidable Transactions Act	Reported Out	LTW		Leave to Withdraw Pursuant to Joint Rule 310			S1
JUD	906	An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water	Carry Over Approved		Carried Over In Comm				S1
JUD	908	An Act To Protect Maine Residents and Organizations from Unreasonable and Illegal Surveillance, Monitoring or Tracking	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	915	An Act To Conform State Funding to the Federal Hyde Amendment Limiting Funding for Some Abortion Services	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	917	An Act Regarding Electronic Monitoring of Pretrial and Post-conviction Defendants	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	923	An Act To Enact the Stop Guilt by Accusation Act	Reported Out	ONTP/ OTP		Accepted Majority (ONTP) Report			S1
JUD	926	An Act To Ban Biological Males from Participating in Women's Sports	Reported Out	ONTP/ OTP-AM/ OTP-AM		Died On Adjournment			S1
JUD	947	An Act To Address the Long-term Impact of Economic Abuse by a Spouse	Reported Out	OTP		<u>Enacted</u>	<u>PL</u>	<u>122</u>	S1
JUD	952	An Act To Limit Liability Regarding Donations of Menstrual Products	Reported Out	OTP		<u>Enacted</u>	<u>PL</u>	<u>178</u>	S1
JUD	957	An Act To Authorize Expanded Deferred Disposition Requirements	Reported Out	OTP-AM		<u>Enacted</u>	<u>PL</u>	<u>338</u>	S1
JUD	982	An Act To Protect against Discrimination by Public Entities	Carry Over Approved		Carried Over In Comm				S1
JUD	986	An Act To Provide Campground Owners Limited Civil Liability from the Inherent Risks of Camping	Reported Out	ONTP/ OTP-AM		Died Between Houses			S1
JUD	1030	An Act Regarding Courts' Authority To Protect Children When a Parent Has Been Awarded Sole Parental Rights and Responsibilities	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	<u>PL</u>	<u>340</u>	S1
JUD	1055	Resolve, To Automatically Seal the Criminal History Records Relating to Any Crimes Decriminalized in the 130th Legislature	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1

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						Law	Ch	
JUD	1066	An Act To Clarify the Definition of "Mortgage Servicer" in the Laws Governing Mortgage Foreclosures	Reported Out OTP-AM		Enacted	PL	203	S1
JUD	1068	An Act To Restrict Access to Weapons Pursuant to Court Order in Cases of Harassment	Carry Over Approved	Carried Over In Comm				S1
JUD	1096	An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing	Reported Out OTP/ OTP-AM		Enacted	PL	343	S1
JUD	1102	Resolve, Directing the Family Law Advisory Commission To Review Preliminary Injunctions in Judicial Separation and Divorce Actions	Reported Out OTP-AM		Finally Passed	RESLV	78	S1
JUD	1134	An Act To Amend the Maine Bail Code Regarding Certain Conditions of Release	Reported Out OTP-AM/ ONTP		Veto Sustained			S1
JUD	1143	An Act To Protect Tenants from Unnecessary Evictions	Reported Out ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	1144	An Act To Amend the Law Regarding Advance Health Care Directives	Reported Out OTP-AM/ ONTP/ OTP-AM		Enacted	PL	452	S1
JUD	1160	An Act To Reduce the Burden on Courts and Promote the Resolution of Civil Cases	Reported Out OTP-AM/ ONTP/ OTP-AM		Veto Sustained			S1
JUD	1180	An Act To Prohibit Discrimination in Housing Based on a Person's Participation in a Rental Assistance Program	Reported Out OTP-AM/ ONTP		Died Between Houses			S1
JUD	1200	An Act To Bring Gender Parity to Corporate Boards	Reported Out OTP-AM/ ONTP		Enacted	PL	385	S1
JUD	1210	An Act To Remove Barriers to Employment by Sealing the Records of Persons Convicted of Certain Nonviolent Crimes	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1218	Resolve, To Require the Attorney General To Provide an Update on Maine's Implementation of the Federal Law Called "Savanna's Act"	Carry Over Approved	Carried Over In Comm				S1
JUD	1221	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions	Reported Out OTP		Enacted	PL	182	S1
JUD	1224	An Act To Authorize Remote Participation in Maine State Cultural Affairs Council Meetings	Reported Out OTP		Enacted	PL	269	S1
JUD	1225	An Act To Provide Dignity for Fetal Remains by Requiring Their Interment or Cremation	Reported Out ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1

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						Law	Ch	
JUD	1226	Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice	Reported Out	OTP-AM/ ONTP	Finally Passed	RESLV	101	S1
JUD	1229	An Act To Require Certain Medical Providers To Administer Ultrasounds and Provide Information to Certain Pregnant Patients	Reported Out	ONTP/ OTP-AM	Accepted Majority (ONTP) Report			S1
JUD	1236	An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements	Reported Out	OTP-AM/ ONTP	Enacted	PL	392	S1
JUD	1238	An Act To Protect Women's Single-sex Shelters	Reported Out	ONTP/ OTP-AM	Accepted Majority (ONTP) Report			S1
JUD	1254	An Act Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors from Liability	Reported Out	OTP-AM	Enacted	PL	214	S1
JUD	1255	An Act To Prohibit Evictions until 90 Days after the End of the Governor's Declaration of Emergency	Reported Out	OTP/ ONTP	Accepted Report B (ONTP)			S1
JUD	1270	An Act To Establish Resentencing Units in the Attorney General's Office and All Maine Prosecutorial Districts	Reported Out	OTP-AM/ ONTP	Died Between Houses			S1
JUD	1273	An Act To Establish a Conviction Integrity Unit in Maine	Reported Out	OTP-AM/ ONTP	Carried On Approps Table			S1
JUD	1292	An Act Regarding the Parental Right To Direct the Health Care of Children	Reported Out	ONTP/ OTP-AM	Accepted Majority (ONTP) Report			S1
JUD	1294	An Act To Prevent Discrimination against Domestic Violence Victims	Reported Out	OTP-AM/ ONTP	Enacted	PL	476	S1
JUD	1296	An Act To Guarantee Housing Rights during a State of Civil Emergency	Reported Out	ONTP/ OTP-AM	Accepted Majority (ONTP) Report			S1
JUD	1303	Resolve, To Require the Revisor of Statutes To Compile a List of Mandatory Minimum Sentences Contained in the Maine Revised Statutes	Reported Out	OTP-AM/ ONTP	Carried On Approps Table			S1
JUD	1310	An Act Regarding Criminal Records	Carry Over Approved		Carried Over In Comm			S1
JUD	1326	An Act To Provide Funding for the Maine Civil Legal Services Fund	Reported Out	OTP-AM/ ONTP	Carried On Approps Table			S1
JUD	1336	An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents	Reported Out	OTP-AM	Enacted	PL	348	S1

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						Law	Ch	
JUD	1345	An Act To Implement the Recommendations of the Right To Know Advisory Committee	Reported Out OTP-AM		Enacted	PL	313	S1
JUD	1346	An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Fees Charged for Responding to Public Records Requests	Reported Out OTP/ ONTP		Enacted	PL	375	S1
JUD	1368	An Act To Require Due Process in Asset Seizure	Reported Out ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	1374	An Act To Extend the Time Period for Filing a Complaint under the Maine Human Rights Act for Discrimination Based on an Alleged Sexual Act, Sexual Contact or Sexual Touching	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1378	An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities	Reported Out REF/ ONTP		Died Between Houses			S1
JUD	1380	An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property	Reported Out OTP/ ONTP		Enacted	PL	350	S1
JUD	1399	An Act To Continue Temporary Modification of Certain In-person Notarization and Acknowledgement Requirements and Developing Permanent Implementation of Remote and Online Notarization	Reported Out OTP-AM/ ONTP		Emergency Enacted	PL	337	S1
JUD	1401	An Act To Prohibit Biological Males from Participating in School Athletic Programs and Activities Designated for Females at Schools That Receive Federal Funding	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1403	An Act To Protect Maine Businesses, Nonprofits, Educational Institutions and Municipalities during the COVID-19 Pandemic	Reported Out ONTP/ OTP		Accepted Majority (ONTP) Report			S1
JUD	1416	An Act To Limit Qualified Immunity of Law Enforcement Officers in Maine Civil Rights Act Claims	Reported Out OTP-AM/ ONTP		Died Between Houses			S1
JUD	1419	An Act To Support Health Care Providers during State Public Health Emergencies	Reported Out ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	1438	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Declare the Natural, Inherent and Unalienable Right of Enjoying Personal Privacy	Reported Out ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1455	An Act To Support Survivors of Sex Trafficking and Exploitation	Reported Out OTP-AM/ ONTP		Enacted	PL	315	S1

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							Law	Ch	
JUD	1459	An Act Regarding a Post-judgment Motion by a Person Seeking To Satisfy the Prerequisites for Obtaining Special Restrictions on the Dissemination and Use of Criminal History Record Information for Certain Criminal Convictions	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1465	An Act To Remove Barriers to Occupational Licensing Due to Criminal Records	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1480	An Act Regarding the Review of Law Enforcement Use of Deadly Force	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	PL	353	S1
JUD	1499	An Act To Improve Accountability in Asset Seizure and Forfeiture Reporting	Reported Out	ONTP/ OTP-AM		Accepted Majority (ONTP) Report			S1
JUD	1508	An Act To Prevent Homelessness by Establishing an Eviction Mediation Program	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	PL	316	S1
JUD	1510	An Act Concerning Informed Consent of Minors' Authority to Release Health Care Information	Reported Out	ONTP/ OTP		Accepted Majority (ONTP) Report			S1
JUD	1521	An Act To Strengthen Protections against Civil Asset Forfeiture	Reported Out	ONTP/ OTP-AM		<u>Enacted</u>	PL	454	S1
JUD	1529	RESOLUTION, Proposing an Amendment to the Constitution of Maine To Create a Right to Privacy	Carry Over Approved		Carried Over In Comm				S1
JUD	1538	An Act To Protect the Rights of People Who Are LGBTQ in Maine	Reported Out	LTW		Leave to Withdraw Pursuant to Joint Rule 310			S1
JUD	1568	An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	Carry Over Approved		Carried Over In Comm				S1
JUD	1577	Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations	Reported Out	OTP-AM/ ONTP		<u>Finally Passed</u>	RESLV	99	S1
JUD	1578	An Act To Permit Remote Access for Public Proceedings	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1581	An Act To Require Telecommunications Companies To Divulge Location Information to Law Enforcement When Necessary To Respond to a 9-1-1 Call or Locate a Person in Danger	Carry Over Approved		Carried Over In Comm				S1

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							Law	Ch	
JUD	1591	Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names	Reported Out	OTP-AM/ ONTP		Finally Passed	RESLV	98	S1
JUD	1602	An Act Regarding Criminal Records	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1606	An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Corporations	Reported Out	OTP-AM/ ONTP		Enacted	PL	317	S1
JUD	1609	An Act To Stop Social Media Censorship	Reported Out	ONTP/ OTP		Accepted Majority (ONTP) Report			S1
JUD	1612	An Act To Facilitate Children's Testimony in Certain Sex Crime Cases	Reported Out	OTP-AM/ ONTP/ OTP-AM		Enacted	PL	395	S1
JUD	1617	An Act To Amend the Victim Services Laws To Define "Restorative Justice"	Reported Out	OTP-AM/ ONTP		Enacted	PL	355	S1
JUD	1626	An Act Implementing the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act	Carry Over Approved		Carried Over In Comm				S1
JUD	1630	Resolve, To Establish the Proportional Fines Commission	Reported Out	OTP-AM/ ONTP		Died On Adjournment			S1
JUD	1665	An Act To Amend AN ACT to Implement the Maine Indian Claims Settlement Concerning Land Acquisition and Criminal Jurisdiction	Carry Over Approved		Carried Over In Comm				S1
JUD	1676	An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information	Reported Out	OTP-AM/ ONTP		Enacted	PL	365	S1
JUD	1685	An Act To Protect the Constitutional Rights of Indigent Defendants	Reported Out	OTP-AM/ OTP-AM		Enacted	PL	480	S1
JUD	1686	An Act To Implement a Geographically Limited Public Defender Office	Reported Out	OTP-AM/ ONTP	Carried On Approps Table				S1
JUD	1687	An Act To Improve the Provision of Indigent Legal Services	Reported Out	OTP-AM/ OTP-AM		Emergency Enacted	PL	481	S1
JUD	1688	An Act To Improve Consistency in Terminology and within the Maine Human Rights Act	Reported Out	OTP-AM/ ONTP		Enacted	PL	366	S1
JUD	1692	An Act To Improve Judicial Branch Facilities in Hancock County	Reported Out	OTP-AM/ ONTP		Enacted	PL	451	S1

*Bills Referred to  
Judiciary (JUD)*

PL = Public Law; P&SL = Private and Special Law;  
RESLV = Resolve; CON RES = Constitutional Resolution;  
IB = Initiated Bill

Comm	LD	Title	Comm Action	Carried over?	Final Disposition	Enacted Laws		Sess	
						Law	Ch		
JUD	1696	An Act To Clarify and Recodify Maine's Protection from Abuse Statutes	Carry Over Approved		Carried Over In Comm			S1	
JUD	1703	An Act To Amend the Bail Code	Reported Out	OTP-AM/ ONTP		<u>Enacted</u>	<u>PL</u>	<u>397</u>	S1
JUD	1719	An Act To Prevent Human Trafficking and Child Exploitation	Reported Out	ONTP		Ought Not to Pass Pursuant to Joint Rule 310			S1
JUD	1728	An Act To Provide Assistance to Law Enforcement Officers To Allow Them To Protect the Residents of the State	Carry Over Approved		Carried Over In Comm				S1
JUD	1730	An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine	Reported Out	OTP-AM		<u>Emergency Enacted</u>	<u>PL</u>	<u>293</u>	S1

## JOINT STANDING COMMITTEE ON JUDICIARY

### **LD 27 An Act To Provide an Immediate Opportunity To Appeal for a Juvenile Bound Over into Criminal Court**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 23 provides that a juvenile may appeal the Juvenile Court's bind-over decision to try the juvenile as an adult either immediately after the bind-over decision or following a judgment of conviction as an adult.

### **LD 32 An Act Regarding Remote Participation in Public Proceedings**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 290 provides authorization for any public body subject to the Freedom of Access Act to conduct public proceedings by remote methods if the public body adopts a policy that meets certain requirements. "Remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means, including but not limited to e-mail, text messages and chat functions.

The policy governing remote participation must be adopted by the public body only after notice and hearing. The policy establishes the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods.

The policy must provide that members of the body are expected to be physically present for public proceedings except when being physically present is not practicable. The policy must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided.

Notice of the proceeding must be provided as required in the Freedom of Access Act. When the public may attend by remote methods, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may not determine that public attendance at a proceeding will be limited solely to remote methods except when an emergency or urgent issue exists that requires the public body to meet by remote methods.

A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting.

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All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public.

The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend the proceedings of the public body in person, as long as additional costs are not incurred by the public body.

Town meetings and regional school unit budget meetings may not be conducted using remote methods.

These provisions do not apply to the Legislature or to any public bodies whose proceedings are specifically addressed by statute.

Public Law 2021, chapter 290 was enacted as an emergency measure effective June 21, 2021.

### **LD 132 An Act To Implement the Attorney General's Recommendations on Data Collection in Order To Eliminate Profiling in Maine**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 460 requires all law enforcement agencies, beginning July 1, 2023, to collect information about each person stopped for a traffic infraction. The information must include the characteristics of race, color, ethnicity, gender and age of those persons. The identification of such characteristics must be based on the observation and perception of the law enforcement officer responsible for reporting the stop. The person stopped may not be required to provide the information. The information must also include whether a warning or citation was issued, an arrest was made or a search was conducted as a result of the stop. Each law enforcement agency must report the information to the Attorney General, who is required to report the information, along with analysis and any recommendations, to the joint standing committees of the Legislature having jurisdiction over judiciary matters and criminal justice and public safety matters beginning January 15, 2024 and annually thereafter. The report must be made available to the public.

The Attorney General is directed to adopt rules governing the recording, retention and reporting of the information. In adopting the rules, the Attorney General must consult with the Commissioner of Public Safety and other interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations and persons with lived experience of being profiled. The Attorney General must ensure that the parties consulted represent the racial and ethnic diversity of the State.

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### **LD 145 An Act To Amend the Maine Uniform Probate Code**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 4 contains recommendations of the Probate and Trust Law Advisory Commission pursuant to the Maine Revised Statutes, Title 18-C, section 1-803, subsection 2.

1. Chapter 4 amends Title 18-C, section 3-108 to resolve an ambiguity as to whether the provision applies to decedents who died prior to the effective date of Title 18-C, making it clear that section 3-108, subsection 1, paragraph D applies regardless of the date of the decedent's death.
2. Chapter 4 amends section 5-308, subsection 4, section 5-409, subsection 4 and section 5-511, subsection 4 to delay the effective date of the confidentiality of records provisions governing guardianships of adults, conservatorships and other protective proceedings. The Supreme Judicial Court has not yet had an opportunity to consider rules governing confidentiality of records filed with the Probate Courts. Chapter 4 delays the effective date of sections 5-308, 5-409 and 5-511 to January 1, 2023 to provide additional time for the Supreme Judicial Court, in conjunction with the commission and the Advisory Committee on Probate Rules, to complete its review and approval of rules governing confidentiality of records in the Probate Courts. These changes are made retroactive to January 1, 2021.
3. Chapter 4 amends section 5-423, subsection 2, paragraph E to remove the mandatory credit report for the individual subject to conservatorship from the conservator's annual report and accounting and makes the credit report a requirement only if ordered by the court.
4. Chapter 4 amends section 5-431, subsection 8 to clarify that the subsection applies to both the termination and modification of a conservatorship.
5. Chapter 4 amends section 8-301, subsection 2, paragraph A-1 to add a reference to the wrongful death provisions of section 2-807 of Title 18-C to avoid ambiguity as to whether the intestacy provisions of former Title 18-A or the intestacy provisions of Title 18-C govern the distribution of a recovery of a wrongful death claim, making it clear that the date of death of the decedent will control which provisions apply.

Public Law 2021, chapter 4 was enacted as an emergency measure effective March 17, 2021.

### **LD 159 An Act To Eliminate Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 139 removes all previously established time limits for both the Passamaquoddy Tribe and the Penobscot Nation to add to their respective trust lands under the terms of the Maine Indian Claims Settlement Implementing Act.

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### **LD 192 An Act To Define the Responsibilities of Residential Property Owners for the Maintenance and Repair of Private Roads**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 13 addresses the responsibility for the repair and maintenance of private roads that benefit residential properties. It is limited in application to residential properties only. Unless there is an agreement, deed restriction, covenant or declaration or road association that specifies the cost to be paid by each owner of a benefited property, the cost is shared equally by the benefited properties. Each residential property is subject to cost sharing, not each residential property owner; each residential property is assessed one share of the collective costs of repairs and maintenance regardless of whether there are multiple owners of record for that property. An owner who fails to comply may be forced to comply through an action brought by other owners on the private road.

The provisions do not apply to a private road constructed or used primarily for commercial or forest management purposes or to a property owner who issues a ground lease to a third party who maintains a residence on the subject property.

### **LD 209 An Act Concerning Name Changes for Minors**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 14 contains recommendations of the Family Law Advisory Commission. It clarifies and consolidates in a single section of Maine law the process and standards for changing the names of adults and minors. Chapter 14 provides that a parent or guardian of a minor may file a name change petition for the minor in the Probate Court in the county in which the minor lives, unless the District Court has exclusive jurisdiction regarding the minor pursuant to the Maine Revised Statutes, Title 4, section 152, subsection 5-A, in which case the petition must be filed in District Court. It also permits a parent or guardian to request to change the minor's name as part of a proceeding concerning parentage or other parental rights with respect to the minor in the District Court. A separate petition is not required in these cases.

Chapter 14 requires the parent or guardian who requests a name change for the minor in District Court to provide notice pursuant to the applicable rules of procedure to any other parent, any guardian, any guardian ad litem and any person or agency with legal custody of the minor and to the minor if the minor is 14 years of age or older. The court must provide an opportunity for those entitled to notice to be heard and may change the name of the minor if the court finds that the change is in the best interest of the minor. A parent or guardian does not have to publish notice of a minor's name change unless the court orders that notice publication is required because of the specific circumstances of the case. It authorizes the court to limit notice of the name change if the parent who has sole parental rights and responsibilities shows by a preponderance of the evidence

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that either the minor is a victim of abuse or the minor or petitioner is currently in reasonable fear of the minor's or petitioner's safety.

Chapter 14 provides factors a court must consider to assess whether a request or petition for a name change is in the best interest of the minor.

### **LD 222 An Act To Update the Maine Parentage Act**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 141 amends the Maine Parentage Act to update the acknowledgment of paternity provision to broaden the process to be an acknowledgment of parentage and allows intended parents participating in assisted reproduction, as well as presumed parents, to sign the acknowledgment of parentage.

### **LD 320 An Act To Provide the Right to Counsel for Juveniles and Improve Due Process for Juveniles**

#### **ENACTED LAW SUMMARY**

The overarching goal of Public Law 2021, chapter 326 is to ensure that fewer children are in the juvenile justice system and that, if and when they do become involved in the system, there is a presumption against incarceration and a requirement for the regular review of any commitment imposed, in order to minimize the harm that incarceration can cause children.

Chapter 326 provides that, beginning October 1, 2021, a juvenile who has not attained 12 years of age may not be committed to a secure detention facility, which includes the Long Creek Youth Development Center. It also provides that a juvenile who has not attained 12 years of age may not be detained in a secure detention facility for more than seven days except upon agreement of the parties.

Chapter 326 clarifies that a juvenile who has not attained 21 years of age must be represented by counsel when the court is conducting a review under the Maine Revised Statutes, Title 15, section 3315 or Title 15, section 3317. It prevents courts from imposing dispositions against juveniles that involve commitment without exhausting all other less restrictive alternatives. Chapter 326 also mandates regular opportunities for judicial review of a juvenile's commitment in addition to providing an appellate avenue for relief from unfavorable reviews.

Chapter 326 amends the statute governing a juvenile's right to counsel to specify that the right to counsel attaches at the juvenile's initial appearance and continues until the court no longer has jurisdiction over the juvenile, including all post-dispositional hearings and during the time of commitment. It also requires counsel appointed by the court to continue to represent the juvenile

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throughout all proceedings concerning the juvenile, unless relieved by the court. The Juvenile Court must assign counsel to a juvenile when a detention order is reviewed.

Chapter 326 adds two considerations that must be accorded weight against ordering placement in a secure facility: whether the juvenile was under 14 years of age at the time of the crime and whether the adjudication is for a juvenile crime that would be a Class D or E crime if it were an adult crime and was not reduced from a crime that was charged as Class A, B or C.

Chapter 326 allows courts to require the Department of Corrections, the Department of Health and Human Services, or both, to demonstrate the reasonableness of the current treatment or placement provided or offered if an appropriate treatment or an appropriate less restrictive alternative placement is not being provided. It also allows such judicial reviews for individuals who are 18 to 20 years of age.

Chapter 326 allows a juvenile to request a hearing under Title 15, section 3317, but only once every 180 days absent extraordinary circumstances and clarifies that a juvenile who has not attained 21 years of age must be represented by counsel when the court is conducting a review.

### **LD 345 An Act Updating Certain Probate Filing and Certification Fees To Reflect Current Costs**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 250 updates certain probate filing and certification fees to reflect current costs.

### **LD 363 An Act Regarding the Statute of Limitations for Injuries or Harm Resulting from Perfluoroalkyl and Polyfluoroalkyl Substances**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 328 provides that an action arising out of any harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance must be commenced within six years after the plaintiff discovers or should have discovered such harm or injury. It clarifies that the cause of action for harm or injury caused by a perfluoroalkyl or polyfluoroalkyl substance accrues when the plaintiff discovers or reasonably should have discovered the harm or injury. It provides an application provision to make clear that the accrual based on discovery applies retroactively. Chapter 328 does not alter the notice period or limitation period applicable to claims against a government entity.

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### **LD 366 An Act Regarding Emergency Guardianship**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 463 provides that the delay of discharge of a patient in a hospital until the appointment of a guardian constitutes substantial harm, thereby meeting one of the criteria for the appointment of an emergency guardian.

### **LD 420 An Act To Amend the Maine Revised Unclaimed Property Act**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 41 amends the Maine Revised Unclaimed Property Act in the following ways.

1. It provides that fee restrictions do not apply to any stored-value obligation that enables the holder to transfer the underlying funds to multiple unaffiliated merchants at the merchants' point-of-sale terminals or online or at an automated teller machine.
2. It provides that an automatic reinvestment of dividends or interest or an automatic withdrawal of disclosed fees is not an indication of an apparent owner's interest in property for purposes of determining when property is presumed abandoned.

### **LD 422 An Act To Enact the Maine Uniform Trust Decanting Act**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 235 enacts the Maine Uniform Trust Decanting Act, or MUTDA, as recommended by the Probate and Trust Law Advisory Commission. It is based on the Uniform Trust Decanting Act approved by the National Conference of Commissioners on Uniform State Laws in 2015. "Decanting" is the term used to describe the distribution of assets from one trust into a second trust. Decanting can be a useful strategy for changing the outdated terms of an otherwise irrevocable trust, but can also be abused to defeat the settlor's intent. The MUTDA permits decanting for appropriate purposes while preventing abuse and preserving the intent of the settlor.

Public Law 2021, chapter 235 was enacted with an effective date of October 1, 2021; however, since it was not enacted as an emergency measure, it takes effect October 18, 2021.

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### **LD 448 An Act Regarding Recording of Witness Interviews**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 381 directs the Maine Criminal Justice Academy Board of Trustees to adopt minimum policy standards regarding the recording and preservation of witness interviews conducted by law enforcement officers in murder investigations and Class A, Class B and Class C crime investigations. Law enforcement agencies are required to adopt policies containing at least the minimum policy standards. The policy may not require the recording of all witness interviews, but must factor in the feasibility of recording individual interviews, taking into account the circumstances of the witness, the time and place of the interview and the crime as well as the capability of the law enforcement agency to record the interview.

### **LD 483 An Act To Clarify Funding for Civil Legal Services**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 329 clarifies three aspects of the law pertaining to the Maine Civil Legal Services Fund and the collection of fees and surcharges by the Judicial Department.

Chapter 329 clarifies that the Maine Civil Legal Services Fund surcharge on debt collection actions is payable at the commencement of debt collection actions, whether or not they are classified as small claims cases, and that the surcharge is imposed with respect to money judgment disclosure actions.

Chapter 329 clarifies that the Maine Civil Legal Services Fund surcharge is not included as a recoverable cost under the Maine Revised Statutes, Title 14, section 1502-B.

Chapter 329 clarifies that the Judicial Department may refer cases to the Court Alternative Dispute Resolution Service for mediation and collect fees as appropriate.

### **LD 535 An Act To Provide for the Well-being of Companion Animals upon the Dissolution of Marriages**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 285 provides that in a proceeding for legal separation or divorce, in the disposition of property a court must consider the well-being of a companion animal and all relevant factors and specifies a number of factors that the court must consider. It provides that the court is required to award ownership to only one of the parties.

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### **LD 560 An Act To Amend the Safe Haven Laws**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 466 bill amends the safe haven laws regarding abandoned children by including a safe haven baby box to the list of safe havens that a person may deliver a newborn child to under the Child and Family Services and Child Protection Act and to serve as an affirmative defense to the criminal offense of abandonment of a child. A safe haven baby box is a device or container that can safely accept delivery of a newborn child that is located in a hospital, law enforcement facility or fire department facility that is staffed 24 hours a day by a medical services provider.

Chapter 466 directs the Department of Health and Human Services to adopt rules governing the design, installation and use of safe haven baby boxes to ensure necessary safety specifications are met, including but not limited to an alarm that alerts both the facility where the safe haven baby box is located and a public safety answering point when a baby has been placed inside.

### **LD 562 An Act To Enhance Tribal-State Collaboration in the Enforcement of Child Support**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 300 enacts procedures authorizing the Penobscot Nation to enforce child support obligations against obligors over which the Penobscot Nation Tribal Court has jurisdiction with regard to the issuance or renewal of licenses by licensing boards and registrations of watercraft, snowmobiles and all-terrain vehicles by the Department of Inland Fisheries and Wildlife. It also directs the Department of Health and Human Services to enter into one or more cooperative agreements with the Penobscot Nation governing the expedient and efficient administration and availability of child support enforcement remedies with regard to the setoff of lottery winnings and workers' compensation lump-sum settlements and any other child support enforcement remedy available in the Maine Revised Statutes, Title 19-A.

### **LD 563 Resolve, To Create the Criminal Records Review Committee**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 121 establishes the Criminal Records Review Committee to review options for expunging and sealing criminal records. The review committee is directed to submit a report to the Joint Standing Committee on Judiciary by December 3, 2021 with findings and recommendations.

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### **LD 589 An Act To Provide Access to Justice for Victims of Child Sexual Abuse**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 301 allows civil actions based upon sexual acts toward minors regardless of the date of the sexual act and revives actions that may previously have been barred by a statute of limitations in force prior to the effective date of Public Law 1999, chapter 639.

### **LD 642 An Act To Ensure That Children Receive Behavioral Health Services**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 302 ensures the time-sensitive provision of behavioral health services to minors by licensed psychologists practicing clinical psychology, social workers and clinical professional counselors. It authorizes specified providers to provide services with the consent of one of the minor's parents or the minor's guardian. The provisions do not prohibit the provider from informing another parent or guardian of the minor of the services.

### **LD 683 An Act To Allow Maine Nonprofit Corporations To Hold Meetings Electronically**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 304 allows the board of directors of a nonprofit corporation to adopt guidelines and procedures for entirely or partially remote meetings or to allow members to participate remotely.

Current law allows members of nonprofit corporations to vote by electronic transmission; chapter 304 expands that to include voting by means of remote communication. Chapter 304 also clarifies that remote votes must be counted for quorum purposes.

### **LD 690 An Act To Ensure That Victims of Assault, Battery and False Imprisonment, Including Victims of Domestic Violence, Have Parity under Tort Law**

#### **ENACTED LAW SUMMARY**

The statute of limitations under current tort law for most civil suits is six years from when the cause of action accrues except that for assault and battery and false imprisonment it is two years, effectively depriving victims of domestic violence, among others, the same opportunity that most other victims of torts have to seek redress for their damages. Public Law 2021, chapter 207 removes the actions of assault and battery and false imprisonment from provisions setting a two-year limitation period, making the actions subject to the general six-year limitation period that applies to most other torts.

#### ENACTED LAW SUMMARIES

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Public law 2021, chapter 207 was enacted as an emergency measure effective June 15, 2021.

### **LD 719 Resolve, To Establish the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 104 establishes the Commission To Create a Plan To Incorporate the Probate Courts into the Judicial Branch including Legislators and interested parties to create a plan describing how a probate system with full-time judges can be created and funded. The Joint Standing Committee on Judiciary has authority to report out a bill regarding the plan to the Second Regular Session of the 130th Legislature.

### **LD 737 An Act To Increase the Value of Property Exempt from Attachment and Execution**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 382 makes changes to the provisions governing the property of a debtor that is exempt from attachment and execution by adjusting values for some of the exemptions. It provides for an adjustment of the exemptions every three years and directs the Supreme Judicial Court to publish the adjustment for an effective date of April 1st for the following year.

### **LD 747 An Act Regarding Civil Mental Health Evaluations of Former Criminal Defendants**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 306 addresses circumstances in which a defendant has been determined to be incompetent to stand trial and there does not exist a substantial probability that the defendant will be competent in the foreseeable future. In such cases, the court must dismiss the charges and the next step is determined by whether the defendant is subject to an undischarged term of imprisonment. If the defendant is not subject to an undischarged term of imprisonment, regardless of the charges that were dismissed, the court may notify the appropriate authorities who may institute civil commitment proceedings. If the defendant is subject to an undischarged term of imprisonment, the court must order the defendant into execution of that sentence and the correctional facility to which the defendant is transported must execute the court's order.

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### **LD 765 An Act To Provide for Judicial Review in Compliance with the Federal Family First Prevention Services Act**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 210 adds definitions to the Child and Family Services and Child Protection Act and creates a statutory requirement for a court hearing within 60 days of a child's placement in a qualified residential treatment program as required to claim federal reimbursement for the cost, with respect to a child in state custody, of placement in a residential care facility under the federal Family First Prevention Services Act. Additionally, it ensures that regular reviews of a child's continued placement in a qualified residential treatment program are conducted by the court. The Supreme Judicial Court is authorized to adopt rules of pleading, practice and procedure with respect to the required court hearings and proceedings.

### **LD 766 An Act To Ensure the Safety of Certain State Employees by Allowing Disclosure of Certain Confidential Information in Limited Circumstances**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 148 allows the Department of Health and Human Services, with court authorization, to release confidential information maintained in its child protective records to an administrator of a social media service to report, investigate or remove a threat or serious intimidation attempt directed at department staff, an employee of the Attorney General's office, a guardian ad litem or a court officer. It defines the term "social media service" and prohibits a social media service from redisclosing the confidential information provided by the department.

### **LD 776 An Act To Amend the Length of Time and Circumstances for Which a Sheriff May Furlough Individuals Incarcerated in a County Jail**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 211 extends from three to seven days the length of time that a sheriff may furlough a person who is incarcerated in a county jail. It adds to the purposes for which furlough may be granted participation in a program operated by a jail that conditions release on regular daily reporting to the jail of the prisoner's location and activities.

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### **LD 778 An Act To Enable Electronic Reporting of Suspected Child Abuse and Neglect for Certain Mandated Reporters**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 116 amends outdated language regarding electronic submission of reports of suspected abuse or neglect to the Department of Health and Human Services by removing the language regarding secure e-mail and fax transmissions. Instead, electronic reports are submitted through a portal provided by the department linked to the department's comprehensive child welfare information system. Chapter 116 also expands the types of mandated reporters who may report electronically to include school personnel.

### **LD 785 An Act To Change the Standard for Taking a Person into Protective Custody**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 377 revises the standard for a law enforcement officer to take a person into protective custody. Current law is based on the law enforcement officer's having probable cause to believe that a person may be mentally ill and, because of that condition, presents a threat of imminent and substantial physical harm to that person or to another person. Chapter 377 changes that standard to the law enforcement officer's having probable cause to believe the person is mentally ill and, due to that condition, the person poses a likelihood of serious harm as defined in the Maine Revised Statutes, Title 34-B, section 3801, subsection 4-A, paragraph A, B or C.

### **LD 788 An Act To Align the Preconviction and Post-conviction Discretionary Deductions for Time Served**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 330 increases the discretionary deduction for time served for a person who serves time while awaiting trial, during trial, post-trial while awaiting sentencing or post-sentencing prior to the date on which the sentence commenced either to await transportation to the place of imprisonment specified or pursuant to court order and not in execution of any other sentence or imprisonment. It makes the discretionary deduction for time served the same for preconviction and post-conviction time served. The new deduction applies to an individual who commits a crime on or after October 1, 2021. In addition, information must be given to a victim about the amount of deductions that the defendant will receive for time served at the time of the sentencing.

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### **LD 803 An Act Regarding Violation of a Protective Order**

#### **ENACTED LAW SUMMARY**

Under current law a person who violates a protective order issued by a Maine court through conduct that is reckless and that creates a substantial risk of death or serious bodily injury to the person named in the protective order or who assaults that person commits a Class C crime. Public Law 2021, chapter 432 extends the prohibited conduct to a violation of an order that is similar to a protective order and that is issued by a court of the United States or of another state, territory, commonwealth or tribe. It also adds a cross-reference to the 3rd exception to violation of a protection from abuse order being a Class D crime.

### **LD 813 An Act To Create the Crime of Aggravated Sex Trafficking of a Person 14 Years of Age or Younger**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 469 creates the Class A crime of aggravated sex trafficking of a person 14 years of age or younger.

### **LD 834 An Act To Ensure the Appropriate Allocation of Victim Restitution**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 307 prohibits a deceased victim's restitution from being paid to an offender if the offender is an heir, beneficiary or recipient of funds from the victim's estate. If an offender is an heir, beneficiary or recipient of a victim's estate, the restitution must be distributed to any other heir, beneficiary or recipient of the estate as if the distribution of the estate did not include the offender. If a victim's estate has only the offender as an heir, beneficiary or recipient, the restitution must be paid to the Victims' Compensation Fund or the Victims' Property Compensation Fund, determined by whether the restitution is for underlying injury or property damage.

### **LD 841 An Act Regarding Deferred Disposition**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 308 applies the availability of deferred disposition to Class B drug offenses.

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### **LD 855 An Act Regarding the Issuance of a Birth Certificate Following a Gender Marker Change**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 309 amends the laws regulating the amendment of vital statistics records and the issuance of new certificates of birth to allow application for gender marker change.

### **LD 858 An Act To Limit Reincarceration for Persons on Probation**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 403 limits arrests for probation violations based on drug and alcohol use and authorizes probation officers to impose additional conditions in lieu of probation revocation. A probation officer may arrest a person for a violation of a condition requiring the person to refrain from drug use and excessive use of alcohol and may commence probation revocation proceedings if that officer has probable cause to believe that the person has committed a violation of the condition and that probation officer determines there is a significant risk to the safety of others or the person that cannot be managed through a noncustodial response.

### **LD 864 An Act To Protect Teachers' Privacy While Delivering Remote Instruction**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 383 prohibits the distribution or retransmission of all or a part of a recorded session of remote instruction without the express written consent of the public or private school.

### **LD 868 An Act To Provide Consistency Regarding Persons Authorized To Conduct Examinations for Emergency Involuntary Commitment and Post-admission Examinations**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 389 changes the provision of law governing post-admission examination and post-admission discharge from a psychiatric hospital by replacing the term "physician or licensed clinical psychologist" with the term "medical practitioner," which is a defined term and describes who is authorized to evaluate a person for admission to a psychiatric hospital.

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### **LD 947 An Act To Address the Long-term Impact of Economic Abuse by a Spouse**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 122 adds economic abuse by a spouse as a factor the court can consider when ordering spousal support and dividing marital property.

### **LD 952 An Act To Limit Liability Regarding Donations of Menstrual Products**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 178 provides immunity from civil and criminal liability arising from an injury or death for good faith donors, including hospitals and other health care facilities, of menstrual products that are donated to bona fide charitable and nonprofit organizations. It also provides the same immunity to the charitable and nonprofit organizations that distribute those donations.

### **LD 957 An Act To Authorize Expanded Deferred Disposition Requirements**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 338 authorizes a court to include in the deferred disposition requirements that the person participate for a specified number of days in a program run by a county sheriff that may involve overnight housing, community service work and education. It authorizes the participation in public works projects by those subject to a deferred disposition.

### **LD 1030 An Act Regarding Courts' Authority To Protect Children When a Parent Has Been Awarded Sole Parental Rights and Responsibilities**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 340 was proposed by the Family Law Advisory Commission pursuant to the Maine Revised Statutes, Title 19-A, section 354, subsection 2. Chapter 340 expands courts' authority to protect children when a parent has been awarded sole parental rights and responsibilities in two ways. First, it amends the Maine Uniform Probate Code to ensure the court has authority to appoint a guardian for a minor upon the death of the parent who was awarded exclusive parental rights and responsibilities. Second, it provides a process to allow, in very limited situations, one parent to file a petition to terminate another parent's parental rights and responsibilities outside of an adoption proceeding.

The Maine Uniform Probate Code currently allows a court to appoint a guardian for a minor when the court finds the appointment is in the best interest of the minor and the court finds by clear and

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convincing evidence that the parents are unwilling or unable to exercise their parental rights and responsibilities. The law provides two examples of situations in which the parents are unable or unwilling to exercise their parental rights and responsibilities. Chapter 340 adds a third example: when the parent to whom a court has awarded exclusive parental rights and responsibilities dies and the court finds by clear and convincing evidence that there is neither a substantial change in circumstances between the time of the order and the parent's death nor other facts that would render a finding based on the order to be inequitable or unjust.

In current law, Title 19-A, section 1658 allows a petition to terminate the parental rights and responsibilities of a parent who committed sexual assault and the sexual assault resulted in the conception of a child. Chapter 340 allows a petition to be filed to terminate the parental rights and responsibilities of a parent in another context: when a final court order awarded exclusive parental rights and responsibilities to another parent and that order has been in effect at least 12 months and the petition alleges that termination of the parent's rights and responsibilities is necessary to protect the child from serious harm or the threat of serious harm. The order must have awarded exclusive parental rights and responsibilities with respect to all aspects of the child's welfare, with the possible exception of the right and responsibility for support, without reserving for the parent any rights to make decisions, to have access to records or to have contact with the child. Chapter 340 clarifies the procedure for the termination of parental rights and responsibilities once a petition is filed. If the petition alleges that termination of parental rights and responsibilities is necessary to protect the child from serious harm or threat of serious harm and an order awarding exclusive parental rights and responsibilities has been in effect at least 12 months, the court shall appoint a guardian ad litem. A parent may consent to an order terminating the parent's rights and responsibilities after a judge has fully explained the effects of a termination order and if such consent is written and voluntarily and knowingly executed in court. Even if a parent consents to the termination of that parent's rights and responsibilities, the court must nevertheless still make the required findings. For a petition that is based on an exclusive order of parental rights and responsibilities and that alleges that termination is necessary to protect the child from serious harm or the threat of serious harm, the petitioner must prove by clear and convincing evidence the allegations as well as that termination is in the best interest of the child.

Chapter 340 provides that, except as provided in Title 19-A, section 1658 and the adoption laws in Title 18-C, a court may not terminate the parental rights and responsibilities of a parent on a petition filed by another parent or the parent or guardian of a child's parent who is a minor.

Chapter 340 amends the child protection laws to make consistent who may file a petition to terminate the parental rights to a child. The requirements apply when a parent or the parent or guardian of a minor parent is petitioning to terminate another parent's parental rights and responsibilities, but if the petitioner is also petitioning to adopt the child, the requirements of the adoption laws in Title 18-C, Article 9 apply.

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### **LD 1066 An Act To Clarify the Definition of "Mortgage Servicer" in the Laws Governing Mortgage Foreclosures**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 203 amends the law governing a mortgage servicer's duty to act in good faith by repealing the current definition of "mortgage servicer" and replacing it with the current definition of "servicer." It also clarifies that a mortgage deed is included in the definition of "obligation." A mortgage deed is considered an obligation even if the debt secured by the mortgage deed has been discharged in bankruptcy. It clarifies that the definition of "servicing" can include engaging in one or more of the actions listed. It clarifies that the actions covered by the definition of "servicing" include any action that relates to the enforcement of the rights of the loan owner that arise under the obligation.

### **LD 1096 An Act To Clarify the Rule-making Authority of the Supreme Judicial Court Concerning Electronic Records and Filing**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 343 clarifies the rule-making authority of the Supreme Judicial Court regarding rules concerning processes and procedures related to the filing of electronic records. It adds a provision that nullifies laws that conflict with duly adopted rules.

### **LD 1102 Resolve, Directing the Family Law Advisory Commission To Review Preliminary Injunctions in Judicial Separation and Divorce Actions**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 78 directs the Family Law Advisory Commission to review the elements of preliminary injunctions in judicial separation and divorce actions both in this State's statutes and in the statutes of other states. The commission shall submit a report to the Joint Standing Committee on Judiciary no later than December 15, 2021, and the committee may report out legislation related to the report to the Second Regular Session of the 130th Legislature.

### **LD 1144 An Act To Amend the Law Regarding Advance Health Care Directives**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 452 establishes a special audiovisual protocol for signing advance health care directives in a hospital or residential health care setting. It may be used by staff, employees or agents of the hospital or residential health care facility to help a patient who is medically isolated in a room or ward to prevent the spread of infectious disease to complete the patient's advance

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health care directives. In addition to allowing a patient to direct an individual outside the patient's room to sign an advance health care directive for the patient, it allows the patient to communicate signing directions to an individual by means of two-way audiovisual technology. It also allows other individuals who contemporaneously view the signing through audiovisual means to sign the document as witnesses. It includes an opportunity for the patient or the patient's agent to review a copy of the advance health care directive prior to its execution and after it has been signed. It allows the patient or the patient's agent to revoke the advance health care directive if a substantive difference is discovered upon review. It provides immunity for good faith acts or omissions by staff, employees or agents of the hospital or residential care facilities for their use of the remote signing process. It does not apply to any other documents or settings or when advance health care directives are notarized.

### **LD 1200 An Act To Bring Gender Parity to Corporate Boards**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 385 requires the board of directors of a publicly held corporation subject to the Maine Business Corporations Act to include at least one female director by June 1, 2023. The number of female directors required is based on the number of directors on the board. The Secretary of State is required to annually report the names of domestic publicly held corporations and whether each corporation has the required number of female directors on its board. Chapter 385 revises the required elements of the annual report that each domestic corporation must file with the Secretary of State to include whether the corporation is publicly held and, if the corporation is publicly held, the number of female members on the board of directors and whether the corporation met the minimum requirements.

### **LD 1221 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Public Records Exceptions**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 182 implements statutory changes recommended by the Right To Know Advisory Committee after reviewing certain existing public records exceptions in the Maine Revised Statutes, Titles 8 to 12.

Chapter 182 amends a provision relating to books, records or correspondence produced in response to a summons in an antitrust investigation. It makes the language consistent with how other exceptions refer to documents that are not subject to disclosure and clarifies that the confidentiality of the records is not tethered to an affirmative option of the person providing the records. It further clarifies that books, records or correspondence produced in response to a summons may be disclosed by the Attorney General with the consent of the producing party and in court pleadings or other papers filed in court.

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Chapter 182 amends a provision relating to water well information collected by the Department of Agriculture, Conservation and Forestry, Division of Geology, Natural Areas and Coastal Resources, Maine Geological Survey. It removes the exception designating as confidential information collected by the Maine Geological Survey at the request of well drilling companies to whom the information pertains if the division has determined it contains proprietary information.

### **LD 1224 An Act To Authorize Remote Participation in Maine State Cultural Affairs Council Meetings**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 269 allows the Maine State Cultural Affairs Council to conduct a public proceeding using telephonic, video, electronic or other means of remote participation when two or more members are physically present at the location of the public proceeding identified in the notice for the meeting and the total number of members participating in the meeting, both physically present and participating remotely, constitutes a quorum.

### **LD 1226 Resolve, Directing the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations To Examine Restorative Justice**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 101 directs the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to conduct a review of proposed and passed national restorative justice legislation and make recommendations in the areas of education, juvenile justice, adult diversion and correctional settings for advancing restorative justice legislation in this State. The commission is authorized to submit legislation based on its recommendations to the Second Regular Session of the 130th Legislature and must provide a copy of its recommendations to the Joint Standing Committee on Judiciary.

### **LD 1236 An Act Authorizing the Attorney General To Enter into Contingent Fee Agreements**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 392 provides that the Attorney General may employ private counsel on a contingent fee basis and may deduct from funds recovered by private counsel on behalf of the State such amounts as the Attorney General determines are due and owed under the terms of a contingent fee agreement and remit such amounts to private counsel.

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### **LD 1254 An Act Shielding Fire Departments That Install Smoke and Carbon Monoxide Detectors from Liability**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 214 provides immunity from liability to a fire department in the residential installation or delivery of a smoke or carbon monoxide detector or batteries for a smoke or carbon monoxide detector if the installation or delivery is performed in the fire department's official capacity and is authorized by the municipal officers.

### **LD 1294 An Act To Prevent Discrimination against Domestic Violence Victims**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 476 amends the Maine Human Rights Act to provide protections against discrimination in employment and housing against a person who has sought and received an order of protection under the Maine Revised Statutes, Title 19-A, chapter 101, but only if the order of protection was issued after the opportunity for a hearing. All remedies currently available under the Maine Human Rights Act, including a private right of action and attorney's fees, are available for these persons.

### **LD 1336 An Act To Discontinue the Use of the Terms "Handicap," "Handicapped" and "Hearing Impaired" in State Laws, Rules and Official Documents**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 348 amends the Maine Revised Statutes to remove the terms "handicap," "handicapped" and "hearing impaired" where they are used to describe a person or set of persons in the Maine Revised Statutes and directs all branches of State Government to discontinue the use of the terms. It directs the Department of Labor to monitor the progress of updating terminology in official documents across State Government. Chapter 348 requires the commissioner's office of each department of State Government to report to the Joint Standing Committee on Judiciary by December 1, 2021 regarding progress on the update and to provide a reasonable time frame for completion of the update.

### **LD 1345 An Act To Implement the Recommendations of the Right To Know Advisory Committee**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 313 implements recommendations of the Right To Know Advisory Committee.

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Chapter 313 caps the fee to cover the cost of copying a public record at no more than 10¢ per page for a standard 8 1/2 inches by 11 inches black and white copy and clarifies that a per-page copy fee may not be charged for records provided electronically.

Chapter 313 adds a member to the Right To Know Advisory Committee who has legal or professional experience in the field of data and personal privacy, to be appointed by the Governor.

Chapter 313 makes the following changes to the requirements for training under the Freedom of Access Act.

1. It clarifies that an official must complete training within 120 days of assuming the duties of the position.
2. It expands the list of municipal officials required to complete training to include code enforcement officers, town managers and administrators and planning board members and clarifies that deputies of municipal clerks, treasurers, managers or administrators, assessors and code enforcement officers must also complete the training.
3. It clarifies that school superintendents, assistant superintendents and school board members are required to complete training.

Chapter 313 includes a Mandate Preamble.

### **LD 1346 An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Fees Charged for Responding to Public Records Requests**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 375 implements recommendations of the Right To Know Advisory Committee by making the following changes to the laws concerning the fees that an agency or official may charge to cover the costs of responding to public records requests.

1. It extends the time period for which an agency or official may not charge a fee for searching for, retrieving and compiling a requested public record from the first hour of staff time per request to the first two hours of staff time per request.
2. It increases the fee that may be charged after the first two hours of staff time per request for searching for, retrieving and compiling a requested public record from not more than \$15 per hour to not more than \$25 per hour.
3. It specifies that an agency may retain any fee or cost charged.

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### **LD 1380 An Act To Increase Protections for Option Contracts for the Purchase of Real Property or Rent-to-own Real Property**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 350 makes the following changes to the laws governing residential real property contracts.

1. It provides for mediation upon the request of either party in a foreclosure proceeding regarding a contract for the sale of real property, including a bond for a deed, in the case of owner-occupied residential real property of no more than four units that is the primary residence of the owner-occupant.
2. It specifies information that must be included in an option contract for the purchase of real property or rent-to-own real property including basic terms of the contract and certification that the real property meets the warranty of habitability under state law subject to the provision in the law that authorizes a waiver for a stated reduction in payment or other specified fair consideration.
3. It specifies the conditions under which an option contract for the purchase of real property or rent-to-own real property may be terminated.
4. It provides that a violation of the provisions governing an option contract for the purchase of real property or rent-to-own real property is a violation of the Maine Unfair Trade Practices Act.
5. It specifies prohibited acts with respect to land installment contracts.

### **LD 1399 An Act To Continue Temporary Modification of Certain In-person Notarization and Acknowledgement Requirements and Developing Permanent Implementation of Remote and Online Notarization**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 337 continues the provisions of Executive Order 37 fiscal year 19/20 as amended by Executive Order 37-A fiscal year 19/20 providing for remote notarization through the end of 2022. It requires the Secretary of State, using existing budgeted resources or available grants or other funding sources, to provide guidance to implement the executive orders and this Act. It requires the Secretary of State to conduct a study to develop proposed legislation to permanently implement remote and online notarization. It directs the Secretary of State to report recommendations by February 1, 2022 to the Joint Standing Committee on Judiciary, and it authorizes the committee to submit legislation related to the report.

Public law 2021, chapter 337 was enacted as an emergency measure effective June 23, 2021.

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### **LD 1455 An Act To Support Survivors of Sex Trafficking and Exploitation**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 315 amends the law on the crime of prostitution by changing from an affirmative defense to a defense that a person engaged in prostitution because the person was compelled to do so and adding a new defense that a person engaged in prostitution to prevent bodily injury, serious economic hardship or another threat to the person or another person.

### **LD 1480 An Act Regarding the Review of Law Enforcement Use of Deadly Force**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 353 requires the Attorney General to complete an investigation of and submit the findings regarding the use of deadly force by a law enforcement officer to the Attorney General's Deadly Force Review Panel within 180 days of receiving notice of the use of deadly force. The Attorney General is required to provide notice to the panel if the investigation and findings are not complete within 180 days and provide a summary of the investigation up to the date of the notice, identify the reason for the delay and provide an anticipated conclusion date for the investigation and findings, which may not exceed 270 days from receiving notice of the use of deadly force. It amends the Intelligence and Investigative Record Information Act to make it clear that the Act does not preclude the public dissemination of that portion of a video in the custody of the Attorney General depicting the use of deadly force by law enforcement when the public interest in the evaluation of the use of deadly force by law enforcement and the review and investigation of those incidents by the Attorney General outweighs the harms contemplated in the Maine Revised Statutes, Title 16, section 804. It requires the Attorney General to issue a decision and requires a written notice detailing the basis for any denial, a time frame for release of all or part of the video and the process to appeal the decision pursuant to Title 1, section 409.

### **LD 1508 An Act To Prevent Homelessness by Establishing an Eviction Mediation Program**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 316 requires that the landlord attach a one-page to two-page form developed by the Judicial Branch providing specified information to the tenant when the landlord serves the eviction summons and complaint on the tenant.

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### **LD 1521 An Act To Strengthen Protections against Civil Asset Forfeiture**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 454 does the following:

1. It eliminates the statutory language describing civil forfeiture;
2. It requires that, for property to be forfeited under criminal forfeiture laws, the owner of the property subject to forfeiture be convicted of a crime in which the property was involved, with certain limited exceptions;
3. It repeals language describing the procedure for perfecting title to abandoned vehicles;
4. It prohibits a law enforcement agency or other entity from entering into an agreement to transfer or refer the property seized to a federal agency;
5. It requires that the Department of Public Safety post records describing forfeited property on a publicly accessible website; and
6. It adds language describing the right to a prompt post-seizure hearing for a defendant or any person with an interest in the property.

### **LD 1577 Resolve, To Convene a Working Group To Study Possible Solutions for Families Facing Emergency Child Custody Situations**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 99 directs the Maine Commission on Domestic and Sexual Abuse to convene a working group to study the possible solutions to emergency child custody situations and enforcement of existing orders. It directs the commission to submit a report by December 15, 2022, including any recommended legislation, to the joint standing committee of the Legislature having jurisdiction over judiciary matters, which is authorized to report out legislation to the First Regular Session of the 131st Legislature.

### **LD 1591 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Identify Places with Offensive Names and Methods of Changing Those Names**

#### **ENACTED LAW SUMMARY**

Resolve 2021, chapter 98 directs the Department of Agriculture, Conservation and Forestry to work jointly with the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations to do the following:

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1. Review the Maine Revised Statutes, Title 1, section 1101 to determine and suggest any additional words to be included in the current definition of offensive name;
2. Establish a uniform process for renaming geographic features and other places that have offensive names; and
3. Explore the most effective methods of identifying the individuals, entities and institutions in the State that profited or benefited in any manner from the global economy of enslavement.

The resolve provides that it is the intent of the Legislature that the department and commission carry out its responsibilities within their existing resources. It allows the department and commission to solicit, accept and expend funds to cover any expenses that are in excess of existing resources. The resolve requires the department to submit a report to the Joint Standing Committee on Judiciary by December 1, 2021. The joint standing committee is authorized to submit a bill related to the report to the Second Regular Session of the 130th Legislature.

### **LD 1606 An Act To Expand Tenant Representation on Boards of Directors of Nonprofit Housing Corporations**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 317 requires a nonprofit corporation that provides dwelling units in a multi-unit residential building to include a current tenant on its board of directors. The requirement for a director who is a tenant applies to any nonprofit corporation that has an ownership interest in any multifamily rental housing. If the corporation is unable to find a tenant to serve as a director, it must advertise the position to current tenants on an annual basis. The corporation must post in a public location in each building in which the corporation has an interest the name and contact information of the tenant director. Chapter 317 does not apply to a nonprofit corporation that only provides emergency shelter or short-term transitional housing.

### **LD 1612 An Act To Facilitate Children's Testimony in Certain Sex Crime Cases**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 395 allows the court, upon motion by the State, to allow a child 14 years of age or younger to provide direct testimony in certain sex crime cases outside the presence of the defendant from a children's advocacy center through the use of audiovisual electronic means. It clarifies that the defendant's attorney must be provided an opportunity in real time to cross-examine the child after the child's direct testimony. It requires that the defendant be able to observe the child's testimony while it is happening and be able to communicate with the defendant's attorney during the testimony.

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### **LD 1617 An Act To Amend the Victim Services Laws To Define "Restorative Justice"**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 355 borrows from the definition of "restorative justice program" in the Maine Juvenile Code to define "restorative justice" as used by the Office of Victim Services within the Department of Corrections. The Office of Victim Services is currently responsible for assisting victims with obtaining victim compensation, restitution and other benefits of restorative justice.

### **LD 1676 An Act To Limit Access to Juvenile Case Records and Protect the Confidentiality of Juvenile History Record Information**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 365 defines "confidential juvenile history record information" and "public juvenile history record information" and creates statutory authority governing the dissemination of juvenile history record information by a Maine criminal justice agency to create consistency between which juvenile case records may be open to public inspection at the courts and information that may be shared publicly by a criminal justice agency. It provides a definition of "administration of juvenile justice" for all of the Maine Juvenile Code and amends several provisions to make consistent the use of the term "administration of juvenile justice" and deletes the term "administration of juvenile criminal justice."

Chapter 365 modifies the Maine Juvenile Code to limit access to juvenile case records maintained by Juvenile Courts and reorganizes existing provisions based on whether they allow disclosure of a juvenile's identity, allow inspection of juvenile case records, allow dissemination of juvenile case records or allow the general public access to Juvenile Court proceedings. It provides that a victim or an agent of the victim may inspect the juvenile petition and order of adjudication regardless of whether the general public may do so.

Chapter 365 allows automatic public inspection of a juvenile petition only if the petition alleges murder, felony murder or manslaughter and the juvenile has attained 13 years of age at the time of the offense. A juvenile petition that alleges a Class A crime by a juvenile who has attained 13 years of age at the time of the offense, is open to public inspection unless the court orders the petition confidential. A juvenile petition alleging that a juvenile under 13 years of age committed murder or a Class A crime and a petition alleging a juvenile of any age committed a Class B or Class C crime are confidential unless the Juvenile Court authorizes public inspection.

Chapter 365 provides that competency orders may be inspected by the victim of the juvenile crime in all cases. The public may inspect competency orders only when the proceeding to which the order relates is publicly accessible.

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Chapter 365 provides that only orders of adjudication for juvenile crimes that would constitute murder or Class A, B or C crimes if the juvenile were an adult are open to public inspection and dissemination by a court or criminal justice agency.

Chapter 365 clarifies that the general public may not be excluded from any Juvenile Court proceeding when a juvenile petition is open to public inspection pursuant to statute or court order. A victim or an agent of the victim may be present at all court proceedings regardless of whether the proceedings are open to the general public.

Chapter 365 provides for the automatic sealing of juvenile case records for crimes that, if the juvenile were an adult, would constitute Class D crimes, other than operating under the influence, or Class E crimes upon the completion of the disposition ordered by the Juvenile Court. The sealing procedure remains unchanged for Class A, Class B and Class C crimes and murder.

Chapter 365 makes all juvenile case records and all Juvenile Court proceedings confidential when Juvenile Court proceedings are suspended due to an assertion by the juvenile, the State or the court that the juvenile may not be competent to proceed in the Juvenile Court. Juvenile case records and Juvenile Court proceedings remain confidential unless the Juvenile Court proceedings resume after the juvenile is found competent.

Chapter 365 creates a new civil cause of action for a person about whom confidential records or information has been disclosed in knowing or intentional violation of the Maine Revised Statutes, Title 15, section 3010, subsection 6 or section 3308-A, subsection 4. A person who brings and prevails in such a civil action is entitled to injunctive relief, reimbursement of court costs and reasonable attorney's fees, an award of actual damages of up to \$5,000 and award of punitive damages. It also creates a new civil violation for which any person who intentionally or knowingly disseminates confidential juvenile history may be fined up to \$1,000.

Public Law 2021, chapter 365 includes an effective date of January 1, 2022.

### **LD 1685 An Act To Protect the Constitutional Rights of Indigent Defendants**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 480 prohibits prosecutors from communicating with an unrepresented defendant unless the defendant has been informed of the defendant's right to appointed counsel, the court has provided the required statement of rights as specified in Maine Rules of Criminal Procedure, Rule 5(b) and the defendant has executed a written waiver of the right to counsel in each prosecution. A defendant's waiver of the right to counsel must be knowing, voluntary and intelligent. The Sixth Amendment Center recommended this requirement based on *Faretta v. California*, 422 US 806 (1975).

Chapter 480 provides that a prosecutor may communicate with a defendant who is not represented by an attorney and who has not executed a written waiver of the right to counsel if the

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communication is to offer the defendant an opportunity to participate in an established precharge diversion program, the successful completion of which results in the prosecutor not prosecuting the charge or charges against the defendant.

### **LD 1687 An Act To Improve the Provision of Indigent Legal Services**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 481 authorizes the Maine Commission on Indigent Legal Services to directly employ attorneys to provide legal services to indigent clients. It also requires the commission to establish an audit system and allow the recoupment of payments when appropriate and directs the executive director to carry out the audits and seek recoupment. Chapter 481 also grants the commission subpoena power, enforceable in the Superior Court, to conduct the audits and authorizes the executive director to exercise the subpoena power on behalf of the commission.

Public law 2021, chapter 481 was enacted as an emergency measure effective July 15, 2021.

### **LD 1688 An Act To Improve Consistency in Terminology and within the Maine Human Rights Act**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 366 addresses inconsistencies in the protections provided in different areas of jurisdiction under the Maine Human Rights Act. Chapter 366 provides more inclusive protection by:

1. Including adult family members dependent for care in the definition of "familial status";
2. Including familial status as a protected class in employment;
3. Including age as a protected class in public accommodations; and
4. Clarifying the scope of the Maine Human Rights Act application in education.

Chapter 366 also clarifies that the sexual orientation provisions in the Maine Human Rights Act extend to gender identity, and updates statutory sections to be consistent with changes in law that were enacted in the First Regular Session of the 129th Legislature concerning gender identity.

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### **LD 1692 An Act To Improve Judicial Branch Facilities in Hancock County**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 451 authorizes the Maine Governmental Facilities Authority to use previously authorized securities to acquire and improve property relating to the judicial branch in Hancock County.

### **LD 1703 An Act To Amend the Bail Code**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 397 provides that a defendant who is otherwise eligible to be released on personal recognizance or upon the execution of an unsecured appearance bond, whether or not accompanied by one or more conditions of bail, must be released if the defendant cannot afford to pay the bail commissioner fee. It clarifies that the bail commissioner fee is not a financial condition of release for the purposes of the prohibition on financial conditions of release for certain Class E crimes.

Chapter 397 removes from the list of potential conditions of release for preconviction bail the requirement to submit to a random search for possession or use of alcohol or use of illegal drugs when use or possession is prohibited by a condition of release, unless the defendant is a participant in a specialty court docket or as agreed to by the parties as a part of a deferred disposition. It also eliminates the condition that requires the defendant to report on a regular basis to the defendant's attorney.

Chapter 397 prohibits a judicial officer from imposing a financial condition of release on a defendant whose most serious crime charged is a Class E crime. However, the prohibition on financial conditions of release does not apply when the Class E crime is any of the following:

1. A violation of the Maine Criminal Code, chapter 11, which covers sexual assault crimes;
2. A crime committed against a family or household member or a dating partner;
3. A violation of a condition of release when the underlying crime for which the defendant has been released on bail is a violation of the Maine Criminal Code, chapter 11 or a crime against a family or household member or a dating partner;
4. A violation of a condition of release that is premised on an allegation of new criminal conduct;
5. When a defendant fails to appear in court on a Class E crime; or
6. When agreed to by the defendant and the State. The parties may not agree to a bail amount under this provision that is more than \$5.

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Chapter 397 revises the list of factors a judicial officer considers when setting preconviction bail; although the judicial officer is still required to consider the defendant's past conduct, chapter 397 eliminates the consideration of any history of substance use disorder. It also adds three new factors to be considered by the judicial officer:

1. Whether the defendant is the person primarily responsible for the care of another person;
2. Whether the defendant has a specific health care need, including a mental health care need, that is being met or would be better met outside of custody; and
3. Whether being placed or remaining in custody would prevent the defendant from maintaining employment.

Chapter 397 also requires a judicial officer to state the reason for the amount of any financial condition the judicial officer imposes.

### **LD 1730 An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine**

#### **ENACTED LAW SUMMARY**

Public Law 2021, chapter 293 corrects inconsistencies, conflicts and errors in Maine's laws.

Public Law 2021, chapter 293 was enacted as an emergency measure effective June 21, 2021.